

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16109 of 2024

Arising Out of PS. Case No.-404 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Om Prakash Thakur Son of Gopal Thakur Resident of Village- Sidhpur, P.S.-
Palanwa, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rinku Devi Wife of Om Prakash Thakur, Daughter of Ram Narayan Thakur
Resident of Village- Sidhpur, Pandey Tola, P.S.- Palanwa, District- East
Champaran, Motihari

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 404 of 2022 dated
27.09.2022 registered for the offences punishable u/s 498A of
the Indian Penal Code.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the Complainant
mentally and physically due to non-fulfillment of demand of Rs.
65,000/- and a motorcycle as dowry. The accused persons
ousted the Complainant from the matrimonial home and



snatched her jewellery and other articles worth Rs. 2,51,000/-/

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the Complainant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the Complainant. The allegation of snatching against the accused persons is ornamental. It is further submitted that the petitioner has already filed Divorce Petition before Principal Judge, Family Court, Motihari and thereafter, the present Complaint case was lodged by the O.P. No. 2. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.** The



petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Raxaul at Motihari in connection with Complaint Case No. 404 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

8. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the



matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

