

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19301 of 2023

Arising Out of PS. Case No.-71 Year-2022 Thana- GORAUL District- Vaishali

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Krishna Gopal Pandit, (M), aged about 36 years, Son of Ram Bahadur Pandit,
R/o Village-Madhaul, Mahanth Maniyari, P.S.- Maniyari, District –
Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rajni Kumari, (F), Wife of Krishna Gopal Pandit, D/o Mohan Pandit, R/o
Village - Dhane Goraul Hal Rajkhand, P.S.- Goraul, District - Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Hemant Kumar, Advocate
For the State	:	Mr. Abhay Kumar Roy, A.P.P.

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

ORAL ORDER

5 12-02-2024 This matter has been listed under the heading “For
Orders (on office notes)”.

2. A supplementary affidavit has been filed on behalf
of the opposite party no. 2, namely, Rajani Kumari, annexing
therewith a xerox copy of the death certificate of the opposite
party no. 2, namely, Rajani Kumari, to the effect that during the
pendency of the present application, the opposite party no. 2,
namely, Rajani Kumari, has died on 22.03.2023 at her maik.

3. Heard learned counsel for the petitioner and learned



Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Goraul P.S. Case No. 71 of 2022 dated 17.02.2022 registered for the offence punishable under Sections 498A, 323, 406, 504, 506 of the I.P.C. and Section 3/4 of the D.P. Act.

5. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant (deceased) due to non-fulfilment of demand of Rs. 10,00,000/- as dowry.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant (deceased). It is further submitted that the petitioner was the husband of the informant (deceased) and he had no concern with the alleged offence. It is submitted that the informant (deceased) had two children and they are living with the petitioner and doing study in Delhi. The petitioner was ready to keep her with full honour and dignity as stated in paragraph no. 10 of the bail application. It is further submitted that the marriage was solemnized between the parties in the year 2012 and after a lapse of ten years, the present false case has been



lodged against the petitioner. Learned counsel for the petitioner has relied upon the judgments 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*” and 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Vaishali at Hajipur in connection with Goraul P.S. Case No. 71 of 2022, subject to the condition as laid down under Section



438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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