

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18324 of 2023

Arising Out of PS. Case No.-494 Year-2021 Thana- COMPLAINT CASE District- Araria

Amit Biyani @ Amit Kumar Bihani @ Amit, aged about 32 years, Male, S/O Satya Narayan Bihani @ Satya Narayan Biyani, Resident of Village- U.P. Block, House No.- 51, A-8/2, A-Block Market, Hari Nagar, First Floor, Pitapur, P.S.- Pitampura, District- South West Delhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Bulbul Kumari, aged about 22 years, Female, W/O Amit Biyani @ Amit Kumar Bihani @ Amit, D/O Gulabchand Sahni, Resident of Village- Dharmasala Road, Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Kundan Kumar Singh, Advocate
For the O.P. No. 2	:	M/S. Raj Kumar and Rajnish Kumar, Advocates
For the State	:	Mr. Shailendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 08-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 494 of 2021 dated 16.03.2021 registered for the offences punishable under Sections 498A, 384, 323, 324, 325, 379, 341, 342, 504, 506/34



of the I.P.C. and Section 3/4 of the D.P. Act in which cognizance has been taken under Section 498A of the I.P.C. only.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 10,00,000/- as dowry. Lastly on 15.03.2021, the family members of the petitioner assaulted the complainant and Kanchan Biyani snatched her ornaments worth Rs. 3,00,000/- and ousted her from the matrimonial house.

5. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the complainant kept on engaged on phone and Whatsapp' chatting and when her in-laws objected the same for that she become violent and abused them. It is submitted that the petitioner is ready to keep the complainant with full dignity and honour as stated in paragraph no. 14 of the bail application. 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 498(A) 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.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. 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, Araria in connection with Complaint Case No. 494 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



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)

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