

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16354 of 2023

Arising Out of PS. Case No.-993 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Anil Kumar, Male, aged about 25 years, Son of Simal Sah, R/V- Garhara,
Ward No. 13, PS- Barauni, Dist- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Simran Kumari, Female, Daughter of Ramanand Sah and Wife of Anil Kumar, R/V- Garhara, Ward No. 13, PS- Barauni, Dist- Begusarai, presently residing at village- Amarpur, P.S- Barauni, Dist- Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate
For the O.P. No. 2	:	M/S. Kuldeep Kumar and Pintu Kumar Patel, Advocates
For the State	:	Mrs. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

11 21-02-2024 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. 993 of 2021 registered for the offences punishable under Section 498A of the I.P.C. and Sections 3/4 of the D.P. Act. It is further alleged that the accused persons assaulted her and ousted from her matrimonial house.

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. 1,00,000/- as dowry.

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 further submitted that the complainant was blessed with a daughter soon after the marriage and only for the purpose of harassing the petitioner and his family members for absurd allegation of torture for demand of dowry after more than seven years of marriage have been levelled against the petitioner and his family members. It is further submitted that the complainant herself does not want to live with the petitioner since from the very beginning, the complainant was not happy with her marriage as well as her husband and being a highly ambitious and she herself left her



matrimonial house and started living at her father's place. It is further submitted that after filing of the present complaint petition, a panchayati was held between the parties in which both the parties mutually decide to part their ways, followed by which the complainant was handed over all her belongings, jewelries and the articles which were gifted to her during the marriage. It is further submitted that the petitioner is always ready to keep his wife and his daughter with full honour and dignity, however, the complainant is adamant about torturing the petitioner and his family members as stated in paragraph no. 10 of the bail petition. 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.



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, Begusarai in connection with Complaint Case No. 993 of 2021, subject to the condition 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 bail bonds of the petitioner are liable to be cancelled.

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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