

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21275 of 2024

Arising Out of PS. Case No.-1235 Year-2022 Thana- PHULWARISHARIF District- Patna

Anil Kumar Son Of Surendra Rai Resident Of Karori Chak, P.S. - Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari Daughter Of Raju Rai, Wife Of Anil Rai Resident Of Karori Chak, P.S. - Phulwari Sharif, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant/s	:	Mr. Rabindra Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-04-2024 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 as well as the learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Phulwarisharif P.S. Case No. 1235 of 2022 dated 10.10.2022 registered for the offence punishable under Sections 341, 323, 326, 307 and 498A read with 34 of the Indian Penal Code and Sections 3 & 4 of the D.P. Act.

4. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 50,000/- and a piece of land as dowry. It is further alleged that the petitioner and his mother assaulted the informant with an iron rod causing injury.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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 as well as the 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, 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, Patna in connection with Phulwarisharif P.S. Case No. 1235 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 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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