

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22543 of 2024

Arising Out of PS. Case No.-855 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shubham Singh @ Ravi Singh @ Shubhi Singh, aged about 34 years (Male),
Son of Premchand Singh @ Premnath Singh, R/O Village- Amauna, P.S.
-Nasriganj, Kachhawan, Dist.- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sabita Kumari, aged about 30 years (Female), Daughter Of Sri Paras Kumar Singh, Mohalla -Mahavir Asthan, Ward No. 5, PS- Sasaram Town, Dist.- Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajani Kant Singh, Advocate
For the State : Mrs. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 855 of 2019 dated 28.08.2019 registered for the offences punishable under Sections 498(A) of the I.P.C. and 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of motorcycle and Rs. 1,00,000/- as dowry.



4. 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 there is general and omnibus allegation against the petitioner. The marriage took place on 14.02.2017 and the petitioner tried his best to keep her with full honour and dignity but she is not ready to live in her matrimonial house. It is further submitted that the petitioner is ready to settle the dispute with the complainant as stated in paragraph no. 14 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.

5. 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.

6. 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 S.D.J.M., Sasaram, Rohtas in connection with Complaint Case No. 855 of 2019, 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.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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