

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23535 of 2024

Arising Out of PS. Case No.-3360 Year-2013 Thana- SARAN COMPLAINT CASE District-
Saran

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Kedar Tiwari @ Kedar Kumar Tiwari, aged about 38 years, Male, S/o Shiv Shankar Tiwari @ Thega Tiwari, R/o Vill - Pithori Nandlal Tola, P.S. - Baniapur, Dist. - Saran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sanju Devi, aged about 34 years, Female, W/o Kedar Kumar Tiwari, R/o Vill - Ganga Kanaholi, P.S. - Jalalpur, Dist. - Saran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Adarsh Ranjan, Advocate
For the State	:	Mr. Kanhiya Kishor, 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 and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with C. No. 3360 of 2013, Trial No. 463 of 2023 registered for the offences punishable under Sections 498A, 323, 406/34 of the I.P.C. and ³/₄ of the D.P. Act in which cognizance has been taken for the offence punishable under Sections 498A/34 of the I.P.C.



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 T.V. and Motorcycle or 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 the complainant herself left the matrimonial house and for the reason best known to her. The petitioner requested her to come and lead happy conjugal life but she is not ready to come to her matrimonial house. The petitioner came to know from her villagers that she contracted second marriage and due to that reason, she did not appear before the court below as well as the District Mediation Center. There is general and omnibus allegation 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.

5. Learned A.P.P. for the State has 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 A.C.J.M.-13th, Saran in connection with C. No. 3360 of 2013, Trial No. 463 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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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