

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33123 of 2021

Arising Out of PS. Case No.-308 Year-2018 Thana- COMPLAINT CASE District- Jamui

Kishori Kumar Yadav @ Kishori Yadav, aged about 25 years (Male), Son of Muso Yadav, Resident of Village - Korwakura, P.S.- Laxmipur, and Distt.- Jamui.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ranju Devi, aged about 22 years (Female), W/o Kishori Kumar Yadav @ Kishori Yadav, D/o Sagir Yadav Resident of Village-Kakanchor, P.S.- Laxmipur and Distt.- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Akash Raj, Advocate
For the O.P. No. 2	:	M/S. Sanjay Kumar Mishra and Ashok Kumar, Advocates
For the State	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 19-02-2024 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. 308C of 2018 dated 12.03.2018 registered for the offences punishable under Sections 498A, 323, 307, 379 of the I.P.C. and Sections ¾ of the



D.P. Act in which cognizance has been taken for the offences punishable under Sections 498A of the I.P.C. and Sections 3/4 of the D.P. Act.

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. It is further alleged that the sister-in-law (Gotani) of the complainant tried to kill her by pouring kerosene oil on her body.

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 petitioner himself is a victim of concoction of facts and circumstances planned by the complainant with ill and ulterior motive. There is general and omnibus allegation against the petitioner. The petitioner always tried to keep the complainant as his wife and maintained her well in accordance to his social status and tried to consummate the marriage in proper way by staying with the complainant together as stated in paragraph no.



9 of the bail petition. It is further submitted that earlier the complainant had also filed Laxmipur P.S. Case No. 254 of 2018 registered for the offences punishable under Sections 341, 323, 504, 498A, 506/34 of the I.P.C. and Sections 3/4 of the D.P. Act against the petitioner and his family members. 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 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Jamui in connection with Complaint Case No. 308C of 2018, 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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