

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22623 of 2024

Arising Out of PS. Case No.-656 Year-2023 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Rajesh Kumar @ Rajesh Rajak S/o Pannalal Rajak R/o - Rajapur, P.S. - Simri,
Dist. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manisha Devi W/o Rajesh Kumar @ Rajesh Rajak, D/o Pappu Rajak R/o -
Rajapur, P.S. - Simri, Dist. - Buxar At present Address Vill. - Aamsari, P.S. -
Murar, Dist. - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 656(C) / 2023, for the
offences punishable under Sections 323, 379, 307, 504, 506,
498A of the Indian Penal Code and u/s 3 and 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the complainant
mentally and physically and ousted her from the matrimonial
home due to non-fulfillment of demand of Fridge, Cooler and
Washing Machine as dowry.



4. 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. It is further submitted that the petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. Learned counsel further submitted that the petitioner has already filed a Matrimonial Case No. 05 of 2020 u/s 9 of the Hindu Marriage Act for restitution of conjugal rights against his wife Arifa Khatoon. After filing this case, the complainant has filed complaint case against the petitioner and her in laws. The petitioner has no criminal antecedent. 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 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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, Buxar in connection with Complaint Case No. 656(C) / 2023, subject to conditions 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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