

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22060 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

Yadu Nandan Kumar, Son of Ram Chandra Mahto, Resident of Village Kumbhi Sonbarsha, Ward No 2, P.S.-Cheriyabariyarpur, District-Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anupam Kumari, wife of Yadu Nandan Kumar, D/O- Kapildeo Mahto, R/O Village- Pranpur, Ward No-14, P.S.- Bakhri, Dist- Begusarai.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	M/S. Binod Kumar, Amar Kumar Singh and Rahul Singh, Advocates.
For the O.P. No. 2	:	Mr. Mrs. Namita Sharma @ Mrs. Namita Kumari and Mr. Anshu Dhar Sharma, Advocates
For the State	:	Mrs. Sharda Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 09-01-2024 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. 315C of 2022 dated 23.02.2022 registered for the offences punishable under Sections 498A, 494 of the I.P.C. and Section 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/- and a cow as dowry.

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 by learned counsel for the petitioner that the petitioner is ready to keep the complainant as his wife with full dignity and honour and he has also filed Matrimonial Case No. 34 of 2022 under Section 9 of the Hindu Marriage Act, as stated in paragraph no. 11 of the bail application. The petitioner has not contracted second marriage. The petitioner and the opposite party no. 2 are physically present in the Court and the reconciliation was made but it failed. 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 498(A) 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 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, Begusarai in connection with Complaint Case No. 315C of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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)

U.K./-

U		T	
---	--	---	--

