

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22663 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Abhishek Soni, male, aged about 27 years old, Son Of Rakesh Kumar Gupta,
Resident Of Sultanpur Bari Masjid, P.S. - Danapur, District - Patna at Present
Behind Hi-Tech Hospital, Near Basu Library, Dabloo Palace, P.S. - Danapur,
District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pinki Soni Wife Of Abhishek Soni, Daughter Of Dilip Kumar Sao Resident
Of Behind Hi-Tech Hospital, Near Basu Library, Dabloo Palace, P.S. -
Danapur, District - Patna. At Present New Mainpura, Near Commerce Hub,
Saguna More, P.S. - Danapur, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surya Narayan Kumar, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, A.P.P.
For the O.P. No. 2	:	Mr. Jainendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-07-2024 Heard Mr. Surya Narayan Kumar, learned counsel

 appearing on behalf of the petitioner; Mr. Anil Kumar Singh

 No.1, learned A.P.P. appearing on behalf of the State and Mr.

 Jainendra Kumar, learned counsel for the opposite party no. 2.

 2. The petitioner seeks pre-arrest bail in connection

 with Complaint Case No. 629 of 2023, registered for the offence

 punishable under Sections 498A, 420, 406, 354, 341, 324, 323,

 307 read with Section 34 of the Indian Penal Code and Section 4

 of the Dowry Prohibition Act.

 3. A complaint has been lodged against the petitioner



alleging therein that the petitioner and his family members has assaulted the complainant for non-fulfillment of dowry.

4. The present bail application is being heard as a result of the parties, who had agreed to resolve their dispute by way of mediation, which has failed and the report has been submitted by the learned Mediator on 10.05.2024.

5. Learned counsel appearing on behalf of the petitioner submitted that prior to the present complaint, the complainant had lodged FIR bearing Danapur P.S. Case No. 468 of 2022 and also cases under Domestic Violence Act bearing Domestic Violence Case No. 11 of 2023. A counter affidavit has been filed on behalf of the opposite party no. 2, in which, information has been given in paragraph no. 18 that petitioner is not medically fit and it is a very good ground for getting divorce, but the complainant, instead of filing divorce case before the Family Court, just to torture the petitioner, has lodged a false complaint against the petitioner and his family members. The petitioner had agreed to resolve the dispute by way of amicable settlement, but the mediation failed due to non cooperation of the opposite party no. 2 just to drag the petitioner and his entire family members in a false criminal case. On these grounds, petitioner seeks to be released on pre-arrest bail.



6. Mr. Jainendra Kumar, learned counsel appearing on behalf of the opposite party no. 2 has reiterated the allegation made in the complaint and he has informed that in paragraph no. 18 of the counter affidavit, a specific statement has been made on behalf of the complainant that petitioner is not medically fit and he is being treated at AIIMS and taking advantage of the same, the father of the petitioner wanted to establish physical relationship with the complainant with the help of the petitioner.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

8. Having heard the rival submissions made on behalf of the parties, and having perused the allegations made in the complaint and information contained in paragraph no. 18 of the counter affidavit and medical reports, by way of 'Annexure-8 series', it has been alleged that the petitioner is/was unable to establish physical relationship with the complainant and her father-in-law taking advantage of the said situation had tried to establish physical relationship with her on second occasion allegedly with the help of the petitioner, however, allegation of committing physical and sexual assault is against the father-in-law.



9. The parties had agreed to resolve their dispute by way of Mediation but the same failed, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

10. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Danapur/Concerned Court, in connection with Complaint Case No. 629 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

11. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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