

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21877 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- MAHILA PS District- Darbhanga

BAIJNATH KUMAR SAH @ BAIDYANATH KUMAR SAH Son of Bharat Sah Resident of Village - Pansiha Ward No.- 2, P.S.- Ashok Paper Mill, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari Wife of Baijnath Kumar Sah @ Baidyanath Kumar Sah Daughter of Nirsu Sah, At present resident of villager - Dhadhiya, P.S.- Kamtaul, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 31-01-2024 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 and learned Additional Public Prosecutor for the State. However, learned counsel for the Opposite Party No. 2 not present.

3. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 47 of 2022 dated 02.07.2022 registered for the offence punishable u/s 498 A, 323, 504, 494, 34 of Indian Penal Code and Section 3/4 of D.P. Act.

4. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of 10 katha land as dowry. The petitioner has also contracted second marriage with another girl.

5. 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 who is the husband of the informant/complainant. 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 submitted that Section 498A of the IPC is triable by the Magistrate. 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**. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga, in connection with Mahila P.S. Case No. 47 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with the following conditions :-

(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, his bail bonds are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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