

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22900 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- GOPALPUR District- Patna

Chandan Kumar S/o Shailendra Singh R/o vill - Bijju Bigaha, P.S. - Gauri Chak, Distt. - Patna, Presently residing at Jai Ma Kali Colony Ramdhanipur, Be-Iman Tola, P.s. - Gopalpur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari D/o Late Sudhir Singh R/o vill - Telmar, P.S. - Telmar, Distt. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP.
For the Informant	:	Mr. Basant Kumar Singh, Adv.
		Mr. Vishesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 2 25-04-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State along with learned counsel for the informant.
2. The petitioner is apprehending his arrest a case in connection with Gopalpur P.S. Case No. 366 of 2023 dated 12.06.2023 registered for the offences punishable u/s 341, 323, 498A, 504, 506/34 of the Indian Penal Code.
3. As per the prosecution case, the petitioner along with co-accused persons is alleged to have tortured and assaulted the informant.
4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. From perusal of the FIR it would manifest that there is no any whisper about the demand of dowry thus no case u/s



498A is made out against the petitioner who is the husband of the informant. Learned counsel for 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 at para 3 of the bail petition.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances and submissions made on behalf of the parties, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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 J.M. 1st Class, Patna in connection with Gopalpur



P.S. Case No. 366 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. 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 bond of the petitioner is 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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