

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20611 of 2022

Arising Out of PS. Case No.-787 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Rakesh Kumar @ Rakesh Chaudhary, (Male), aged about 27 years, Son of
Kamal Chaudhary, Resident of Village-Bairi, Soni Tola, P.S.- Sanjhauli,
District - Rohtas at Sasaram.

... .. Petitioner

Versus

1. The State of Bihar.
2. Arbinda Devi, (F), aged about 21 years, Wife of Rakesh Chaudhary @
Rakesh Kumar, Resident of Village-Bairi, Soni Tola, P.S.- Sanjhauli, District
- Rohtas at Sasaram, at present address D/O Dinanath Chauhan, Village -
Hata, P.S.- Chainpur, District - Kaimur at Bhabua.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

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

ORAL ORDER

5 24-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s) as pointed by the office, if any, within a
period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State. However, learned counsel for the
opposite party no. 2 is not present despite service of notice
validly served upon the opposite party no. 2.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 787 of 2020 dated
22.10.2020 registered for the offences punishable under Section



498A of the I.P.C. and Section 4 of the D.P. Act.

4. As per prosecution case, the petitioner and other accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Apache Motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that 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 further submitted that the petitioner has filed Matrimonial Case No. 231 of 2021 before the learned Principal Judge, Family Court, Bhabua for restitution of conjugal rights and the petitioner is still ready to keep and maintain the complainant as wife with full love and dignity as stated in paragraph no. 8 of the bail application. 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 & 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 498A of the I.P.C. 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 has 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 before the learned court below 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, Bhabua (Kaimur) in connection with Complaint Case No. 787 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition:-

(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, the bail bonds of the petitioner are
liable to be cancelled.

8. If so advised, either of the parties will be at
liberty to make an application before the learned 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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