

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21906 of 2023

Arising Out of PS. Case No.-2057 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Abhinit Kumar Son of Late Anirudh Prasad @ Bhagat Jee R/o Mohalla- Taj
Babu Chowk, Ward no. 7, PS- Sugauli Dist- East champaran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Amrita Kumari Barnawal Wife of Abhinit Kumar, D/o Arun Kumar
Baranwal R/O Mohalla- Kalibagh, Ward no. 11, PS- Bettiah Town, Dist-
West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

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

ORAL ORDER

5 02-01-2024 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.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 2057-C of 2019 dated
24.12.2019 registered for the offences punishable under
Sections 323 and 498A read with 34 of the Indian Penal
Code and Sections 3 & 4 of the 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 Rs. 10 Lakhs and a Bolero Car as dowry. It is further alleged that the complainant was ousted from her matrimonial.

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. It is further submitted that the petitioner is husband of the complainant and he is also ready to keep her with due dignity and honour. Learned counsel has further submitted that the complainant is a teacher at Government Primary School, Lamoiya Tola, Bairiya and she is not willing to perform her matrimonial obligations. It is further submitted that no occurrence as alleged in the complaint has ever taken place and the entire prosecution story is false and fabricated. 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, Bettiah, West Champaran in connection with Complainat Case No. 2057-C of 2019, subject to conditions 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)

Nilmani/-

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