

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23467 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- BALRAMPUR District- Katihar

Mantu Kumar Thakur @ Mantu Thakur Son of Dakhu Lal Thakur @ Late Dukhai Thakur R/o Village- Bhurri, Sharifnagar, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shobha Devi D/o Late Kishan Lal Thakur , W/o Mantu Thakur R/o Village- and P.O.- Drha, P.S.- Dagarua, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Balrampur P.S. Case No. 111 of 2023 dated 13.08.2023 registered for the offence/s punishable u/ss 498A, 504 and 506 read with section 34 of the Indian Penal Code.

3. 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 dowry for which earlier she filed a C.A. Case No. 1364 of 2011 but later on, on the decision of Punch, she started living separately in a Kacha house but all the accused persons always tortured her



for the sake of dowry and threatened her to vacate the house.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. This case has been filed after 16 years of marriage. It is further submitted that prior to the instant case, the informant has filed a C.A. Case No. 1364 of 2011, before the SDJM, Purnea for the same offence and during the trial, the prosecution side has failed to prove the case and the petitioner and the co-accused was acquitted by the trial court vide order dated 04.02.2023 by the SDJM, Purnea. 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 counsel for the informant as well as learned



A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, 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 court concerned, Katihar in connection with Balrampur P.S. Case No. 111 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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