

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23236 of 2024

Arising Out of PS. Case No.-15 Year-2011 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ram Ratan Kumar @ Ram Ratan Paswan, aged about 39 years (Male), Son of
Rajendra Paswan, Resident of Village- Asma, P.S.- Akbarpur, Dist.- Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kumari Nilkamal, Wife of Ram Ratan Kumar, Resident of Village- Asma,
P.S.- Akbarpur, District- Nawada, Permanent Address D/o Muneshwar
Singh, Resident of Villge- Tankuppa, P.S.- Tankuppa, Dist.- Gaya, at
present/Mohalla- Post Mortem Road, P.S. and Dist.- Nawada.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vibhuti Ranjan Sonvadra, Advocate
For the O.P. No. 2	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Kanhaiya Kishore (App.100)

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

ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with
Complaint Case No. 15 of 2011 dated 05.01.2011 registered for
the offences punishable under Sections 498A, 406 of the I.P.C.
and Section 3/4 of the D.P. At in which cognizance has been
taken for the offences punishable under Section 498A of the
I.P.C. and Section 4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other



co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs. 2,00,000/-, one motorcycle, one golden chain and ring as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. 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. There is general and omnibus allegation against the petitioner. Earlier the petitioner was granted provisional anticipatory bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 21130 of 2016 under order dated 12.05.2016 with three eventualities. Thereafter, the petitioner took her to her matrimonial house and she was kept with all due respect and honour but after sometime, she started misbehaving with her in-laws family and she left her matrimonial house and went to her sister's house and she did not want to live with the petitioner. Earlier, the complainant has also filed Akbarpur P.S. Case No. 186 of 2016 against the petitioner for the offence under Section 498A of the I.P.C. on false pretext of assault and torture at the instance of her elder sister and due to non-restoration of the matrimonial relation between the



parties, the learned S.D.J.M., Nawada could not confirm the provisional anticipatory bail of the petitioner under order dated 13.09.2017. Thereafter, the petitioner filed a quashing application against the order of cancellation of bail which was dismissed as withdrawn vider Cr. Misc. No. 1013 of 2018 under order dated 23.12.2023. 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 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 15.02.2024 in this case.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Complaint Case No. 15 of 2011 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.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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