

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24564 of 2023

Arising Out of PS. Case No.-1020 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rahul Kumar @ Rahul Kumar Patel Son Of Shyam Nath Patel @ Shyam Nath Mahto Resident Of Village- Silauthar, Ps- Jandaha, Distt- Vaishali At Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manisha Kumari Wife Of Rahul Kumar @ Rahul Kumar Patel Resident Of Village- Silauthar, Ps- Jandaha, Distt- Vaishali At Hajipur, at Present D/O Suresh Mahto, R/O Village- Chapar, Ps- Mohuuddinnagar, Distt- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Shailendra Kumarm, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 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 Complain Case No. 1020 of 2021, T.R. No. 2589 of 2022, dated 20.07.2021 registered for the offence punishable under Sections 498A, 494, 406, 354A, 354(c) of the Indian Penal Code and Sections 4 of the D.P. Act, but



learned court below has taken cognizance under Sections 498A, 494 read with 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. 5 lakh as dowry.

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 who is the husband of the complainant and is ready to keep the complainant with full dignity and honour. It is further submitted that the petitioner has neither demanded any dowry nor tortured the complainant. 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, Samastipur in connection with Complain Case No. 1020 of 2021, T.R. No. 2589 of 2022, 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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