

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31237 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- KHAIRA District- Jamui

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Santosh Yadav son of Bhikari Yadav Village- Bhedia Tari Ps- Khaira Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ranju Devi wife of Santosh Yadav, D/o- Chipa Yadav Village- Bhedia Tari Ps- Khaira Dist- Jamui A/P- Kasoia Ps- Garahi Dist- jamui

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-08-2024 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 Khaira P.S. Case No. 161 of 2023 dated 13.04.2023 registered for the offences punishable u/ss 498A, 323, 379, 504 read with section 34 of the Indian Penal Code and Section 3/4 of the Dowry 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. 3,00,000/- and a motorcycle as dowry. It is further alleged that the accused persons ousted the informant from the matrimonial home after snatching her all ornaments and belongings.



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 the further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. The co-accused persons have already been granted anticipatory bail by this court vide order dated 27.02.2024 passed in Cr. Misc. No. 7771 of 2024. 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 as well as the allegation being general and omnibus



against the petitioner, 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, Jamui in connection with Khaira P.S. Case No. 161 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure 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 bond of the petitioner is liable to be cancelled.

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)

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