

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31825 of 2024

Arising Out of PS. Case No.-541 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Birju Manjhi S/o Arjun Manjhi R/o vill - Amarpur, P.S. - Sitamarhi, Dist. - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reena Kumari D/o Suresh Manjhi R/o Mohalla - Gandhi tola, H.S. - Hisua, Distt. - Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Complaint Case No. 541 of 2022 registered for the offence punishable u/ss 323, 379, 498A, 504 and 506 read with 34 of the Indian Penal Code but the cognizance has been taken under Section 323, 498A and 504 of the IPC.

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 Rs. 1 lac and a motorcycle as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the complainant. The petitioner 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 clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.02.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Nawada in connection with Complaint Case No. 541 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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