

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31295 of 2023

Arising Out of PS. Case No.-1040 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Gautam Kumar, aged about 27 years, Gender-Male, S/O Ramshish Singh,
R/O Village- Khanwan, P.S.- Narhat, Dist- Nawada.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari, wife of Gautam Kumar, D/o- Dharendra Prasad Singh, R/O
Village- Mahanandpur, P.S.- Akbarpur, Dist- Nawada.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Hansraj, Advocate .
For the State : Mr. Nawal Kishore Prasad, A.P.P.

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

ORAL ORDER

7 09-01-2024 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, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1040 of 2019 dated
20.09.2019 registered for the offences punishable under
Sections 149, 323, 341, 504, 354B, 498A, 379, 380 of the I.P.C.
and Section 3/4 of the D.P. Act.

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



co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of two kathas of land as dowry. It is further alleged that the co-accused Suman @ Chhotu tried to outrage the modesty of the complainant and on protest, all the accused persons poured kerosene oil on the complainant on 30.08.2019 to kill her. On hulla, the local people assembled there then her life was saved.

5. 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. Learned counsel for the petitioner has further submitted that the petitioner and the opposite party no. 2 are living together and leading a conjugal life happily. Now, there is no dispute in between them. 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 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have supported the aforesaid submissions made on behalf of the learned counsel for the petitioner and have stated that they are living together and leading a conjugal life happily.

7. Considering the aforesaid facts and circumstances of the case and in view of the fact that the petitioner and the opposite party no. 2 are living together and leading a conjugal life and there is no dispute between them, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada in connection with Complaint Case No. 1040 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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