

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31192 of 2024**

Arising Out of PS. Case No.-2732 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Mukesh Kumar Thakur @ Mukesh Thakur son of Satrohan Thakur Resident of Village- Katarmala, P.S.- Goraul, Dist.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Nisha Devi Wife of Mukesh Thakur @ Mukesh Kumar Thakur Resident of Village- Misraulia Barka Post Miraulia, P.S.- Belsur O.P., Vaishali, Dist.- Vaishali, at residing at D/o Ashok Thakur of Village Sadulahpur Dhobauli, P.O.- Dhobauli, P.S.- Bidupur, Dist.- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Singh, Adv.
For the Informant	:	Mr. Aditya Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned counsel for the Complainant as well as learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 2732 of 2019, Trial No. 2123 of 2023 dated 11.09.2019 registered for the offence/s punishable u/s 498A of the Indian Penal Code and 3 of the DP Act.

3. 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 a four wheeler as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. Learned counsel for 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 at para 3 of the bail petition.

5. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender



within a period of six weeks from today, 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 the learned court concerned, Vaishali at Hajipur in connection with Complaint Case No. 2732 of 2019, Trial No. 2123 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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.

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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