

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24683 of 2020

Arising Out of PS. Case No.-43 Year-2017 Thana- EKCHARI District- Bhagalpur

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Prem Lal Mandal, Male, aged about 35 years, S/o- Late Anant Prasad, R/o -93, Jhama Colony, P.S.- Jiraabari, District- Sahebganj, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rupam Kumari, aged about 34 years, D/O Nand Kishore Mandal, R/O Village-Tapua, P.S. Ekachari, District-Bhagalpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vishal Vikram Rana, Advocate
For the O.P. No. 2	:	Mr. Ravi Shankar Pankaj, Advocate
For the State	:	Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

16 30-01-2024 In compliance of the order dated 13.12.2023, the learned Registrar General placed the report which is kept on the record with regard to delay in placing the matter where extension of time was prayed.

2. Perused the report dated 27.01.2024 which is kept at Flag-'P' submitted by the learned Registrar General and the same is accepted.

3. 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.

4. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional



Public Prosecutor.

5. The petitioner is apprehending his arrest in connection with Ekchari P.S. Case No. 43 of 2017 dated 10.10.2017 registered for the offences punishable under Section 498A of the I.P.C. and Section 3/4 of the D.P. Act.

6. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of Rs. 5,00,000/- as dowry. It is further alleged that the petitioner has contracted second marriage with Babli Kumari.

7. 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner tried to talk the parents of the informant but in vain and the informant is an extra modern lady having with complex feeling with the petitioner. The petitioner whenever visited his sasural, he was assaulted by his in-laws. The petitioner is ready to live a peaceful conjugal life as stated in paragraph no. 14 of the bail



petition. 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 498A 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.

8. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

9. 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur in connection with Ekchari P.S. Case No. 43 of 2017,



subject to the condition 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 bonds of the petitioner are liable to be cancelled.

10. 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.

11. The application stands allowed.

(Chandra Prakash Singh, J)

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