

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31848 of 2024

Arising Out of PS. Case No.-643 Year-2018 Thana- COMPLAINT CASE District- Banka

Jagat Ram Panjiyara, aged about 40 years (Male), Son of Sukhdev Panjiyara,
Resident of Village- Nagardih, P.S- Fullidumar, Dist- Banka.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nutan Devi, aged about 35 years (Female), Wife of Jagat Ram Panjiyara and Daughter of Anandi Yadav, Resident of Village- Desara, P.S- and Dist- Banka.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Akash Kumar Mishra, Advocate
For the State	:	Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 643 of 2018 dated 19.05.2018 registered for the offence punishable under Section 498A of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have tortured and assaulted the complainant mentally and physically due to non-fulfilment of demand of Rs. 2,00,000/- as dowry. It is further alleged that the petitioner has illicit relationship with one Jitni Devi and when she protested, the petitioner has also assaulted her and he also took Rs. 50,000/-



after breaking the box of the complainant, jewellery and valuable Sarees etc., and gave the same to Jitni Devi.

4. 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. The occurrence took place due to petty dispute between the parties. It is further submitted that the petitioner is ready to keep the opposite party no. 2 alongwith children as his legally wedded wife with full dignity, honour and respect as stated in paragraph no. 12 of the bail petition. The petitioner denies that he has illicit relationship with another lady as stated in paragraph no. 14 of the bail petition. There is general and omnibus allegation against the petitioner. 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.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. 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 C.J.M., Banka in connection with Complaint Case No. 643 of 2018, 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.



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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