

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30621 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

Ujjawal Saurav @ Ujjawal, aged about 39 years, Son of Mr. Arun Kumar Thakur, R/O Village- Balha Manorath, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Alankrita Suman Thakur, W/O Ujjwal Saurav, age 38 years, Gender-Female, Resident of C/O Prof. Gandhi Thakur, E-82, S.K. Puri, P.S.- Sri Krishnapuri, P.O.- G.P.O., District- Patna, Pin Code- 800001

... .. Opposite Parties

Appearance :

For the Petitioner	:	M/S. Neeraj Kumar @ Sanidh, Ashwani Raj Narayan and Soni Kumari, Advocates
For the O.P. No. 2	:	Mr. Neeraj Kumar Gupta, Advocate
For the State	:	Mrs. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 18-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sri Krishnapuri P.S. Case No. 100 of 2022 dated 03.03.2022 registered for the offences punishable under Sections 341, 323, 504, 506 and 498A/34 of the I.P.C.

3. 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 dowry.

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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the marriage between the parties was solemnized on 17.02.2014 and after the marriage, her behaviour was not good and she always wanted to keep her alone from old parents of the petitioner. The petitioner in order to make his conjugal life happy, took her to various places by way of tour but inspite of all best efforts taken by the petitioner, she did not change her behaviour with the petitioner. It is further submitted that besides the present case, the informant has also lodged D.V. Case No. 97 of 2022 in the court of learned C.J.M., Patna against the petitioner and his parents and also a case under Section 107 of Cr.P.C. in the court of learned S.D.M., Sadar, Patna bearing Case No. 673(M) of 2022 against the petitioner and his other family members. 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 and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner. A counter affidavit and supplementary counter affidavit have also been filed on behalf of the opposite party no. 2 making several allegations against the petitioner. In paragraph no. 3 of the supplementary counter affidavit filed on behalf of the opposite party no. 2, it has been stated that on 22.12.2023, in course of argument, learned counsel for the petitioner on instruction of his client, offered to settle the case for Rs. 50,00,000/- which was accepted by the learned counsel for the opposite party no. 2 but inspite of assurance made before the Hon’ble Court on 22.12.2023, the petitioner has not paid any amount to the opposite party no. 2. The petitioner has also not



paid Rs. 10,000/- per month to the opposite party no. 2 in compliance of the order dated 07.08.2023, passed by the learned J.M. Ist Class, Patna, in D.V. Case No. 97 of 2022.

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 S.D.J.M., Patna in connection with Sri Krishnapuri P.S. Case No. 100 of 2022, 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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