

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32992 of 2024

Arising Out of PS. Case No.-889 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Heeralal Kumar @ Heeralal Son Of Shiv Parsan Chaudhary Resident Of
Village- Sanjay Nagar, Basri, Faridkot Gali No. 9 Gali No. 12, Ps- Faridkot,
Dist- Faridkot, Punjab

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Punam Devi Wife Of Heeralal Kumar Resident Of Village- Darban, Po-
Darban, Ps- Ramgarh, Dist- Kaimur9 Bhabua, At P/S- Aua, Po- Dhanua, Ps-
Shivsagar, Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashikant, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

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

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 889 of 2022 dated
10.11.2022 registered for the offences punishable u/ss 323 and
498A of the Indian Penal Code and u/s 4 of the D.P. Act.

4. 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
Scorpio vehicle as dowry.

5. Learned counsel for the petitioner has submitted



that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the Complainant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the Complainant. 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 in para 3 of the bail petition.

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

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Rohtas in connection with Complaint Case No. 889 of 2022, subject to conditions 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 bond of the petitioner is liable to be cancelled.

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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