

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32506 of 2023**

Arising Out of PS. Case No.-318 Year-2022 Thana- SARAN COMPLAINT CASE District-  
Saran

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MANISH KUMAR @ MANISH KUMAR SAH son of Kameshwar Sah  
Village- Fatehpur Saraiya Ps- Manjhi Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nikki Devi wife of Manish Kumar @ Manish Kumar Sah, D/o- Late Chandeshwar Sah Village- Fatehpur Saraiya, Ps- Manjhi, Dist- Saran at present- Village- Parsagadh Bazar Ps- Ekma Dist- Saran at Chapra

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr.Dr. Rajesh Kumar Singh, Adv. |
| For the Complainant      | : | Mr. Bipin Bihari Singh, Adv.    |
| For the Opposite Party/s | : | Mr.Anil Kumar, APP              |

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

ORAL ORDER

3      09-01-2024                      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.

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

3. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 318 of 2022, Trial No. 3260 of 2022 dated 03.02.2022 registered for the offence/s punishable u/s 498A of the Indian Penal Code and  $\frac{3}{4}$  of the DP 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 a motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner 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. The petitioner has already filed the Divorce Case No. 221 of 2021 on 31.08.2021 before the Family Court, Saran at Chapra on the ground of illicit relation of the complainant with another person thereafter the complainant filed the present case against the petitioner on 03.02.2022. 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.

6. 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.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, 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, Saran at Chapra in connection with Complaint Case No. 318 of 2022, Trial No. 3260 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)

guddukr/-

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