

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35398 of 2024

Arising Out of PS. Case No.-30 Year-2022 Thana- MAHILA PS District- Khagaria

Mrityunjay Poddar Son of Navin Poddar RESIDENT OF VILLAGE-
ROUNKA PS- PARBATA DISTRICT-KHAGARIA. AT PRESENT R/O
MIRJA WARD NO. 8, P.S.- SULTANGANJ, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanju Kumari Wife of Mrityunjay Poddar D/O Late Satyanarayan Poddar R/O
Vill.- Lohiyanagar, Ward no. 25. P.S.- Chtragutpa Nagar, Dist.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 30 of 2022 dated 04.08.2022 registered for the offence punishable under Sections 498A, 494 read with 34 of the Indian Penal Code and Sections 3 & 4 of the D.P. Act.

3. As per the prosecution case, the marriage of the informant/Opposite Party No.2, namely, Sanju Kumari was solemnized with the petitioner on 23.07.2002 as per Hindu rites and customs. After some time, the petitioner and his family members started torturing her due to non-fulfillment of illegal



demand of dowry. She has also alleged that she has come to know that her husband has solemnized second marriage with the co-accused Karishma Devi.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the instant case has been filed after 20 years of marriage. There is general and omnibus allegation against the petitioner who is husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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 similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.08.2023



passed in Cr. Misc. No. 52235 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Khagaria in connection with Mahila P.S. Case No. 30 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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)

shivam/-

U		T	
---	--	---	--

