

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34788 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

SANTOSH RAWAT Son of Harilal Rawat Resident of Village- Dewhalia, PS-
Ramgarh, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Santosh Rawat Resident of Village- Dewhalia, PS-
Ramgarh, District- Kaimur at present address- village- Chhata, PS- durawati,
District- Kaimur (Bhabhua)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

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

ORAL ORDER

4 31-01-2024 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 Complaint Case No. 227 of 2022 registered for
the offence punishable u/s 498 A of I.P.C.

3. 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
buffalo and golden chain as dowry.

4. 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 who is the husband of the informant/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.

5. Learned A.P.P. for the State and learned counsel for the Opposite Party No. 2 have 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, Kaimur (Bhabua) in connection with Complaint Case No. 227 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with the following conditions :-

- (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, his bail bonds are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U
T

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

