

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37749 of 2024

Arising Out of PS. Case No.-738 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Arvind Mishra, aged about 37 years, Male, Son of Late Gena Mishra,
Resident of Village- Kehuniya , P.S- Sikarpur, Dist- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinki Devi, aged about 27 years, Female, Wife of Arvind Mishra, Resident of Village- Vangaha, P.O- Yadochhapar, P.S- Chanpatia (Kumarbagh O.P), Dist- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-07-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

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

3. The petitioner seeks bail in connection with Complaint Case No. 738 of 2020 dated 19.09.2020 registered for the offence punishable under Section 498(A) of the I.P.C.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs. 10,00,000/- for the purpose of performing marriage of her two



daughters. It is further alleged that the petitioner always used to take liquor and torture the complainant.

5. 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is further submitted that the complainant is a quarrelsome lady and she herself has went from the society of the petitioner without any reasonable excuse. The real fact is that she used to put pressure on the petitioner to get separated from his widow mother and to shift to Bettiah Town which is not acceptable to the petitioner, hence, the present false complaint has been filed by her against the petitioner. 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. He is in jail since 18.02.2024.

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

7. Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Bettiah, West Champaran/Successor Court in connection with Complaint Case No. 738 of 2020, 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.

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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