

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36200 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- BHORE District- Gopalganj

SHASHI SHEKHAR PANDEY Son of Late Radha Kant Pandey R/O Village
- Baniya Chhapar, P.S.- Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pallavi Devi @ Palvi Devi @ Pavli Wife of Shashi Shekhar Pandey D/O Prasad Mishra, R/O Village - Baniya Chhapar, P.S.- Bhore, District - Gopalganj, Present Address Village - Sisai, Uttar Tola, P.S.- Bhore, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Shukla, Adv.
For the Informant	:	Mr. Anand Vardhan, Adv.
For the State	:	Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-01-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Bhore P.S. Case No. 441 of 2022 dated 07.09.2022 registered for the offences punishable u/s 498A of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 2,00,000/- and one motorcycle as dowry. It is also alleged that the petitioner and the co-accused persons ousted the informant



from her matrimonial house and since then she is living in the house of her parents.

4. 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. Learned counsel has further submitted that the present case has been filed after 11 years of marriage. 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 one criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.



7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation 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/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Bhore P.S. Case No. 441 of 2022, subject to the condition 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 prosecution will be at liberty to move for cancellation of his bail bond.

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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