

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39069 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Kaushal Kumar Singh @ Kaushal Kumar (M), aged about 40 years, Son of Raj Kumar Singh, Resident of village-Badki Bedi, P.O.-Dashahara, P.S.-Patori, Distt. - Samstipur. At present address-R/o Flat no. 1202, 12th Floor, Shyamdhani Height, Kamatghar Bhiwandi, Thana-Maharashtra, Pin - 421305

... .. Petitioner

Versus

1. The State of Bihar.
2. Abha Kumari (F), aged about 36 years, Wife of Kaushal Kumar Singh, Resident of village-Badki Bedi, P.O.-Dashahara, P.S.-Patori, Distt.-Samstipur. At present address- Abha Kumari, D/o Tapeswar Singh, R/o and P/o-Samsa, P.S. - Mansurchak, Distt .- Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Perna Anand, Advocate
For the O.P. No. 2	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-01-2024 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, learned counsel for the opposite party no. 2 and learned Additional Public Prosecution for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 492 of 2022 dated 04.04.2022 registered for the offences punishable under Sections 341, 323, 307, 509, 379, 354B, 498A of the I.P.C. and



Section 3/4 of the D.P. Act in which cognizance has been taken only under Section 498A 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 due to non-fulfilment of demand of four wheeler and Rs. 5,00,000/- as dowry.

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 opposite party no. 2 and he has no concern with the alleged offence. It is submitted that the opposite party no. 2 used to visit her maike frequently which was being seriously protested by her in-laws whereafter she compelled the petitioner for making separate arrangement for her in a house which was taken on rent. It is submitted that the petitioner is taking care of the opposite party no. 2 and her minor child who is a school going boy and for this purpose the petitioner has been regularly transferring some amount through RTGS in her account and in the account of her brother for maintenance. The demand of four wheeler vehicle and Rs. 5,00,000/- has been alleged against the petitioner and his family



members after ten years of the marriage. 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 498(A) 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.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner is playing fraud with the opposite party no. 2 and her minor child and is involved in committing cruelty in several ways and means. He is living in Mumbai with an another lady and is also having children from her. He has established himself well in Mumbai. Has his own house and business whereafter he left the opposite party no. 2 and her



minor child. What has been seriously submitted is that in the name of sending money to the opposite party no. 2, the petitioner, in fact, is putting some money in the account of the opposite party no. 2 but that account is not being allowed to be operated by her and all the money are being withdrawn by the petitioner's brother for construction of house etc. The opposite party no. 2 has been deprived of foodings, clothings and medical treatments and she as well as her minor son are facing physical as well as mental trauma each and every day.

7. Earlier vide order dated 19.08.2023, the matter was referred to the Patna High Court Mediation Center but from perusal of the Mediator's report dated 12.10.2023, it appears that the mediation has failed.

8. 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Begusarai in connection with Complaint Case No. 492 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



9. 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.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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