

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40250 of 2022

Arising Out of PS. Case No.-758 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

PRABHU BIN S/O RAMAKANT BIN Resident of village- Majhauwa, P.S.-
Laukariya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
3. RINA DEVI W/O PRABHU BIN Resident of village- Majhauwa, P.S.-
Laukariya, District- West Champaran. At present Address.- Rina Devi aged
about 33 years, D/o Harichandra Munda, resident of Village- Bhuhrawa
Done, P.S.- Gobrahiya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

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

ORAL ORDER

8 04-01-2024 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 and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Tr. No. 4206 of 2021 arising out of complaint

Case No. 758 of 2020 dated 08.11.2020 registered for the

offence punishable under Sections 323, 341, 494 and 498A read

with 34 of the Indian Penal Code but the cognizance has been

taken for the offence u/s 498A/ 34 of the IPC.

4. 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 motorcycle as dowry.

5. 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 husband of the complainant. The petitioner neither demanded any dowry nor tortured the 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.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the mediation has failed between both the parties.

7. 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, , Bagaha, West Champaran in connection with Tr. No. 4206 of 2021 arising out of complaint Case No. 758 of 2020 subject to conditions 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 bail bonds of the petitioner is 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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