

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41713 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- GOGRI District- Khagaria

Lalan Kumar @ Bilaxchan Kumar S/O Nagendra Singh R/O Village- Baltara,
P.S- Gogari, Distt.- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Simpi Kumari W/O Lalan Kumar @ Bilakshan Kumar R/O Village-
Thalataara, P.S- Gogari (Paura), Distt.- Khagaria. At Present R/O Village-
Nirpur, P.S- Choutham, Distt.- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.
For the Opposite Party/s : Mr.Veena Kumari Jaiswal,APP

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

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Gogari (Paura) P.S. Case No. 243 of 2023 dated
14.07.2023 registered for the offences punishable u/ss 498A,
341, 323 read with section 34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

4. 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.
5,00,000/- as dowry and ousted her from the matrimonial home.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. 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.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Khagaria in connection with Gogari (Paura) P.S. Case No. 243 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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