

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41895 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- BAKHTIYARPUR District- Patna

PRABHAKAR KUMAR Son of Late Nakul Sao Resident of Village - Naya Tola Madhopur, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Suruchi Kumari Wife of Prabhakar Kumar Resident of Village - Naya Tola Madhopur, P.S.- Bakhtiyarpur, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarandha Suman, Adv.
For the Informant	:	Mr. Haridayal Kumar, Adv.
For the Opposite Party/s	:	Mrs. Umanath Mishra, APP

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 and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Bakhtiyarpur P.S. Case No. 174 of 2022 dated 28.04.2022 registered for the offence/s punishable u/s 498A of the Indian Penal Code and sections 3 and 4 of the DP 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. 10 lakhs as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. As per mediation report dated 07.12.2023, the mediation has failed between the parties. Learned counsel for 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 at para 3 of the bail petition.

6. Learned counsel for the informant as well as



learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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, Barh in connection with Bakhtiyarpur P.S. Case No. 174 of 2022, 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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