

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41611 of 2023

Arising Out of PS. Case No.-291 Year-2021 Thana- COMPLAINT CASE District- Lakhisarai

Ramdular Saw S/O Ramotar Saw R/O Village- Khairi, Ps. Tetarhat, Dist. Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Sumitra Devi W/O Manoj Saw R/O Village- Mananpur Bazar, Ps. Chanan, Dist. Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mayank Raj, Adv. Mr. Rajesh Kumar, Adv. Mr. Alok Anand, Adv. Mr. Ravi Ranjan Kumar, Adv.
For O.P. No. 2	:	Mr. Pratyush Kumar, Adv.
For the State	:	Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-01-2024 Heard learned counsel for the petitioner, learned counsel for O.P. No. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 291C of 2021 dated 16.08.2022 registered for the offences punishable u/ss 498A, 323 and 504 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the Complainant's daughter mentally and physically due to non-fulfillment of demand of Rs. 10,00000/- as dowry. It is further alleged that due to cruel treatment, the Complainant's daughter consumed poison and got admitted in the hospital.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner is the husband of the Complainant's daughter. The petitioner neither demanded any dowry nor tortured the Complainant's daughter. Learned counsel has further submitted that the learned court below has taken cognizance under Section 498A, 323, 504/ 34 of the Indian Penal Code against the petitioner and the three other accused persons. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. 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 as well as the learned counsel for O.P. No. 2 have vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Lakhisarai in connection with Complaint Case No. 291C of 2021, 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 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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