

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42415 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- JANDAHA District- Vaishali

Abhishek Kumar Tiwary @ Sajan Tiwary @ Abhishek Kumar Sajan S/O
Chandra Bhushan Tiwary R/O Malpur, P.S- Patepur, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Rimjhim Kumari W/O Abhishek Kumar Tiwary @ Sajan Tiwary @
Abhishek Kumar Sajan, D/O Sanjeev Kumar Chaudhary R/O Village-
Sakrauli Buchauli, P.S- Jandaha, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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

ORAL ORDER

5 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 Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Jandaha P.S. Case No. 76 of 2023 dated
05.03.2023 registered for the offence/s punishable u/ss 498A,
323, 504, 506, 307 and 379 of the Indian Penal Code and ¾ 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. two lakhs cash and a Swift Desire car 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. 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 is also accused in one more criminal case as stated at para 3 of the bail petition.

6. 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, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 76 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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