

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43862 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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MANJESH PASWAN SON OF RAMCHANDRA PASWAN RESIDENT OF
VILLAGE- DIGHI, WARD NO. 07, PO- DIGHI, PS- MURLIGANJ,
DISTRICT- MADHEPURA (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. KAJAL KUMARI DAUGHTER OF SRI ARVIND PASWAN RESIDENT OF
VILLAGE- GOSAINGAON, DHANESHPUR, WARD NO. 03, PO-
DHANESHPUR, PS- CHAUSA, DISTRICT- MADHEPURA (BIHAR)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhishek, Adv.
For the Complainant	:	Mr. Ashok Kumar, Adv.
For the Opposite Party/s	:	Mr.Shaheen Begum, APP

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

ORAL ORDER

4 15-02-2024 Heard learned counsel for the petitioner and learned
counsel for the Complainant as well as learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 12 of 2021 dated
13.01.2021 registered for the offence/s punishable u/ss 323 and
498A of the Indian Penal Code and 4 of the DP Act.

3. 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



Godrej, Fridge, T.V. and Rs. 1,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the Complainant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that as per the mediation report dated 29.01.2024, the dispute between the parties has been resolved. 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. It is further submitted that both the parties have appeared in the Mediation Proceeding and are ready to resolve



the dispute through the Mediation Proceeding on the following terms and condition, which are given as below:-

(i). *That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs. 1,00,000/- (Rupees One Lakh only) for the full and final settlement and Opposite party No. 2 accepted the offer and gave her consent to finally compromise this case i.e. Madhepura complaint Case No. 12 of 2021 pending in the Court of Ld. S.D.J.M, Udakishunganj, District- Madhepura. The aforesaid amount has been paid to the Opposite Party No. 2 (Kajal Kumari) through cash by the petitioner (First Party).*

(ii). *This settlement shall be full and final settlement and no claim will be made in the future against each other.*

(iii). *That Opposite Party o. 2 also agreed to withdraw the case and she does not want to proceed with the all Civil/Criminal cases.*

(iv). *That both the parties will never claim any grievances either matrimonial disputes or shares of property of each other.*

(v). *That petitioner (First Party) also agreed to withdraw the case if any and he does not want to proceed with all Civil/Criminal cases.*



(vi). That the above contents of the agreement have been read over and explained to us in Hindi which have fully been understood and accepted there-upon.

(vii). That in the above terms and conditions, a settlement has been arrived between the parties and both have signed in the presence of their learned counsels, who have also put their signatures on this agreement.

5. Learned APP for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. 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, Udakishunganj, Madhepura in connection with Complaint Case No. 12 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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