

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47338 of 2024

Arising Out of PS. Case No.-1132 Year-2009 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

=====

Santosh Ojha S/o Ramjee Ojha R/o vill - Kateya, Post - Katea, P.S. - Bihiya,
Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Guriya Kumari W/o Santosh Ojha, D/o Kanhaiya Chaubey R/o Kateya, P.S.
- Bihiya, Distt. - Bhojpur, At present R/o vill - Sikariya, P.S. - Tiyar, Distt -
Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

=====

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

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Complaint Case No. 1132(c) of 2009 dated 12.06.2009 registered for the offences punishable u/ss 498(A)read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have tortured the Complainant due to non-fulfillment of demand of the motorcycle, Colour T.V. and Rs. 50,000/- 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 and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the Complainant. There is general and omnibus allegation against the petitioner. It is further submitted that it appears from the impugned order, both the parties have contracted the second marriage. 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. The petitioner is in custody since 26.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Bhojpur at Ara in connection with Complaint Case No. 1132(c) of 2009 with the 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 bail bond of the petitioner is liable to be cancelled.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

