

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52899 of 2023

Arising Out of PS. Case No.-1349 Year-2018 Thana- BIHTA District- Patna

Raju Kumar @ Raju Prasad, aged about 31 years (Male), Son of Umesh Prasad, Resident of Village and Post Office-Pareo, P.S.- Bihta, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the Informant	:	Mr. Anil Kumar, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 23-01-2024 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, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 1349 of 2018 dated 04.12.2018 registered for the offences punishable under Sections 498(A) of the I.P.C. and Section 3/4 of the D.P. Act.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant due to non-fulfilment of demand of Rs. 5,00,000/- as dowry. It is



further alleged that on refusal of fulfill of demand of dowry, the petitioner administered intoxicated medicine in her milk, due to that, she gone in depression she declared to be an insane so that the petitioner may solemnize another marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the marriage was solemnized between the parties on 19.03.2013 having suppressed the fact that the informant is/was a mentally ill lady. It is submitted that at the instance of petitioner's father-in-law, he was partitioned from his parents in the year 2015 and treated the informant at several places at Arrah, Patna, Bihta, Mental Hospital, Koilwar continuously and she always left the matrimonial home having written her letter. It is submitted that on 13.10.2018, the parents of the informant forcibly taken her by giving threatening that they would kill his wife and children and implicate the petitioner in several different cases. Then he filed an Informatory Petition No. 718 of 2018 before the learned C.J.M., Patna. It is submitted that despite several approach by



the petitioner, the bidai of the informant was not done by her parents. The petitioner had filed Matrimonial Case No. 555 of 2021 before the learned Principal Judge, Patna, for restitution of conjugal right under Section 9 of the Hindu Marriage Act. Learned counsel for the petitioner has relied upon the judgments 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*” and 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*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Danapur, Patna in connection with Bihta P.S. Case No. 1349 of 2018, subject to the condition 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 bail bonds of the petitioner are liable to be cancelled.

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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