

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47717 of 2023**

Arising Out of PS. Case No.-1367 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rakesh Sah @ Rakesh Kumar S/O Ram Lakhan Sah @ Ram Lakhan Prasad
Resident Of Village- Govindpur, Singhara, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Priti Kumari W/O Rakesh Sah @ Rakesh Kumar D/O Dukhit Sah, Resident
Of Village- Mirpur, Patadh, P.S.- Sarai, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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

ORAL ORDER

6 11-01-2024 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 Complaint Case No. 1367 of 2017 vide Tr. No.

1757 of 2022 registered for the offence/s punishable u/s 498A

read with section 34 of the Indian Penal Code and 4 of the DP

Act.

4. 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 Rs. one lakh 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 complainant. Learned counsel has further submitted that as per supplementary affidavit filed on behalf of the petitioner, unfortunately the complainant died on 18.09.2021 as natural death. The petitioner neither demanded any dowry nor tortured the complainant. 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 has no criminal antecedent as stated at para 3 of the bail petition.



6. Learned counsel for the informant as well as 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 Complaint Case No. 1367 of 2017 vide Tr. No. 1757 of 2022, 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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