

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46567 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- MAHILA P.S. District- Bhojpur

Kamta Singh @ Kamta Singh Yadav, S/o Kamla Singh, Male, aged about 35 years, Resident of Village-Saripur, P.S.- Sandesh, District- Bhojpur, At present of Resident of Village-East Jiro Mile Road Ara- Aditya Nagar, P.S.- Udawant Nagar, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sunita Kumari, D/o Late Hirdaya Nand Singh, R/o Karwasin (Hathi Tola), P.S.- Ajimabad, District - Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Prabhat Kumar Singh, Advocate
For the O.P. No. 2	:	M/S. Md. Murad Ashraf and Vikash Kumar Jha, Advocates
For the State	:	Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-02-2024 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 opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 98 of 2021 dated 04.12.2021 registered for the offences punishable under Sections 498A, 506/34 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 bullet motorcycle, washing machine and freeze as dowry.

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 between the parties has been solemnized on 22.04.2016 and no complaint was made or anything was made by the informant and after five years of marriage, the present case has been lodged by the informant. It is further submitted that the petitioner is ready to keep the informant as his wife with full honour and dignity as stated in paragraph no. 14 of the bail petition. 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 opposite party no. 2 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, Bhojpur, Ara in connection with Mahila P.S. Case No. 98 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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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