

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50463 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MAHILA P.S. District- Patna

Neeraj Kumar Son Of Sri Ramu Ram R/O-Ratu Road, Sahdeo Nagar, Habsi
Camp, Hehal Ranchi, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nagendra Sharma
For the Opposite Party/s	:	Mr.Damodar Prasad Tiwary
For the Informant/s	:	Mr. Kameshwar Prasad Sinha

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

ORAL ORDER

3 30-01-2024 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 as well as the learned
counsel for the informant.

3. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 89/2022 dated 17.07.2022
registered for the offence punishable under Sections 498A, 323,
509 read with 34 of the Indian Penal Code and Sections 3 & 4
of the D.P. Act.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the informant



mentally and physically due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner has filed a divorce case dated 29.04.2022 P.S. Case No. 336/2022 and in reply of this the informant has filed the current case. 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.

6. Learned A.P.P. for the State as well as the learned



counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant has submitted that the informant has also filed a case in U.S.A

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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Mahila (Gardanibagh) P.S. Case No. 89/2022 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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