

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47318 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- KARPI District- Jehanabad

Ram Niwas Chaudhary S/O Ram Lakhan Chaudhary R/O Village- Dharana,
Ps. Karpi, Dist. Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Devi W/O Ram Niwas Chaudhary R/O Village- Dharana, Ps.
Karpi, Dist. Arwal, Presently Resided At Village- Mathiya, Ps. Devkund,
Dist. Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Nagendra Prasad, A.P.P
For the Informant/s	:	Mr. Sunil Kr. Singh, Advocate

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

ORAL ORDER

5 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
connection with Karpi (Shahartelpa O.P) P.S . Case No. 125 of
2021 dated 10.07.2021 registered for the offence punishable
under Sections 341, 323, 379, 504, 498A read with 34 of the
Indian Penal Code.

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 and his marriage took place in the year 2006. 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. It is further submitted that the informant is residing at her Maika, where she used to sell illegal mahuwa wine for which a case in connection with Deokund P.S Case No. 06/2021 was lodged.



6. Learned A.P.P. for the State has vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Arwal, Jehanabad in connection with Karpi (Shahartelpa O.P) P.S . Case No. 125 of 2021, 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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