

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47980 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Sonu Kumar Rai @ Sonu Yadav, Male, aged about 27 years, Son of Shatrughan Rai, Resident of Village- Shiv Mohammadpur, P.S.- Marhaura (O.P. Gauda), Distt- Saran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Madhu Kumari @ Madhu Mala, Female, aged about 24 years, Wife of Sri Sonu Kumar Rai @ Sonu Yadav, Resident of Village- and P.O.- Chetan, Chapra, P.S.- Baniyapur, at present Daughter of Shri Yogendra Rai, Resident of Narharpur Chamari, P.S.- Marhaura, (O.P. Gauda), Distt- Saran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Raj Shekhar, Advocate
For the O.P. No. 2	:	Mr. Krishna Kumar Yadav, Advocate
For the State	:	Mr. Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s) as pointed 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 A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Trial No. 3117 of 2022, arising out of Complaint Case No. 456 of 2022 registered for the offences punishable under Section 498A of the I.P.C. and Sections 3/4 of



the D.P. Act.

4. As per prosecution case, the petitioner and other accused persons are alleged to have tortured the complainant due to non-fulfilment of Rs. 2,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is further submitted that the petitioner is ready to keep the complainant as his wife with full honour and dignity but the complainant always put pressure upon the petitioner to live separate from his rest of the family members as stated in paragraph no. 9 of the bail application. It is further submitted that the occurrence took place on 09.06.2021 and the complaint was filed on 21.02.2022 for which no explanation has been given by the prosecution. 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 & 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 I.P.C. 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 complainant 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 before the learned court below 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, Saran at Chapra in connection with Trial No. 3117 of 2022 arising out of Complaint Case No. 456 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. 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 learned 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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