IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47826 of 2023

Arising Out of PS. Case No.-1292 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE District- Muzaffarpur

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SANJAY KUMAR Son of Mahesh Rai Resident of village - Khirhnia, P.S. - Paroo, Dist. - Muzaffarpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Sanjay Kumar Resident of village - Khirhnia, P.S. - Paroo, Distt. - Muzaffarpur at Present S/o - Awadhesh Prasad Yadav, Resident of village - Jagarnathpur, P.S. - Kudhani, Distt. - Muzaffarpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 19-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1292/2019, dated 11.07.2023, for the offences punishable under Sections 498A, 323, 504 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted and tortured complainant physically and mentally and ousted the complainant from the matrimonial house due to non-fulfillment of demand of Rs. 2 lakhs as dowry.

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4. 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. It is further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. The petitioner has no criminal antecedent. Learned counsel further submitted that a Civil Miscellaneous Case No. 358/2020 against the order of Matrimonial (Div.) Case No. 474/2018 was dismissed vide order dated 07.07.2022. 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 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.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus

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against the petitioner, 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, West, Muzaffarpur in connection with Complaint Case No. 1292 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, 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.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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