

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48840 of 2023

Arising Out of PS. Case No.-4018 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rohit Ranjan Son Of Dr. Tarkeshwar Prasad Thakur R/O Mohalla- Second Floor House Above The Gym In Front Of Shikshak Sangh, Ps- Kazimohammadpur, Dist- Muzaffarpur, Permanent Resident Of Village- Narga, Ps- Bela, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Aparna Tiwari Second Floor Shikshak Sangh
3. Aparna Tiwari Wife Of Rohit Ranjan R/O Mohalla Second Floor Power House Above The Gym In Front Of Shikshak Sangh, Ps- Kazimohammadpur, Dist- Muzaffarpur, Present Address Hamdard Lane Motijheel, Muzaffarpur, Ps- Town, Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh, Adv.
For the Complainant	:	Mr. Praveen Kumar, Adv.
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 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 counsel for the complainant as well as learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 4018 of 2022 dated 20.10.2022 registered for the offence/s punishable u/s 498A of the Indian Penal Code.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of Rs. 40 lakhs for purchasing the flat as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the complainant. As per the mediation report dated 24.11.2023, the mediation has failed between the parties. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. Learned counsel for 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 at para 3 of the bail petition.

6. Learned counsel counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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, Muzaffarpur in connection with Complaint Case No. 4018 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition/s:-

(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 bond of the petitioner is 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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