

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54329 of 2024

Arising Out of PS. Case No.-2584 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rupesh Kumar, (Male), aged about 33 years, S/O Shri Rajeshwar Prasad Singh, R/O Village- Dighi Kala, Pakshami Naurangabad, P.S- Sadar, Distt.- Vaishali... ..Petitioner

Versus

- 1. The State of Bihar
- 2. Asha Kumari, W/O Rupesh Kumar, D/O Rajednra Singh, R/O Village- Arniya, P.O. and P.S- Jandaha, Distt.- Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Anil Kumar, Advocate
For the O.P. No. 2	:	Mr. Hemant Kumar, Advocate.
For the State	:	Mrs. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-09-2024 This matter has been listed under the heading ‘For Orders (on office notes).

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner seeks bail in connection with Complaint Case No. 2584 of 2022 dated 11.08.2022 registered for the offences punishable under Sections 323, 324, 341, 379, 498A of the I.P.C. and Sections ¾ of the D.P. Act.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs.



3,00,000/- as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. 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 is ready to maintain his wife with full dignity as stated in paragraph no. 7 of the bail petition. It is further submitted that after a few day, the petitioner went to the parents' house of the opposite party no. 2 but the opposite party no. 2 has refused to go back to her matrimonial house and her parents also refused for her *bidai*. Earlier, the petitioner had also filed Restitution Case No. 203 of 2022 on 14.06.2022 before the learned Principal Judge, Family Court, Vaishali at Hajipur for restitution of conjugal right and a judgment has also been passed in his favour on 22.09.2023. Thereafter, the opposite party no. 2 has filed the present false complaint against the petitioner and his family members on 11.08.2022. The petitioner is still an unemployed and he is making preparation of competitive examination. 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 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.

Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. He is in custody since 22.03.2024 in this case.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur in connection with Complaint Case No. 2584 of 2022.

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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