

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55187 of 2023

Arising Out of PS. Case No.-242 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Ram Kumar Pandit, aged about 32 years (Male), S/O- Surendra Pandit, R/O-
Village- Harpur, P.S.- Raghunathpur, Dist- Siwan.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Rekha Devi, aged about 27 years (Female), W/O- Ram Kumar Pandit, D/O
Late Ramadhar Pandit, R/O- Village- Babu Ke Parsa, P.S.- Ekma, Dist-
Saran (Chapra)

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Anjani Parashar, Advocate
For the O.P. No. 2	:	Mr. Bijay Prakash Singh, Advocate
For the State	:	Mr. Bhanu Pratap Singh, A.P.P.

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

ORAL ORDER

3 18-03-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 242 of 2019 dated
01.02.2019 registered for the offences punishable under
Sections 120B, 498A, 323, 307, 406 of the I.P.C. and Sections ¾
of the D.P. Act.

3. 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.



1,00,000/- as dowry. It is further alleged that lastly, on 25.01.2019, all the accused persons after snatching her belongings ousted her from the matrimonial house and since then she has been leading a miserable life.

4. 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 has no concern with the alleged offence. It is submitted that the complainant is a rude lady and after the marriage she started pressuring the petitioner to make a separate establishment for her as she will not stay with the petitioner. Whenever, the petitioner stated that he is not earning so much that he could bear the expenses for separate establishment, then the complainant left the house of the petitioner and went to her maik. It is further submitted that the petitioner is ready to keep her as his wife with all the dignity and respect but the complainant should also bear with the financial as well as family status of the petitioner as stated in paragraph no. 8 of the bail petition. 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.

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

6. 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/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Siwan in connection with Complaint Case No. 242 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



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)

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