

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57061 of 2024

Arising Out of PS. Case No.-487 Year-2024 Thana- MAHUA District- Vaishali

Uday Shankar Kumar Son of Baleshwar Thakur Resident of Village -
Kadilpur, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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

ORAL ORDER

2 20-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahua P.S. Case No. 487 of 2024 dated 16.06.2024 registered for the offences punishable u/ss 147, 341, 323, 307, 504, 506, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 5,00,000/- as dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. Learned counsel has further submitted that the petitioner filed the Divorce Case No. 216 of 2024 on 15.05.2024 against the informant thereafter, the present F.I.R. was lodged by the informant on 16.06.2024 against the petitioner and the co-accused persons. 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 in para 3 of the bail petition. The petitioner is in custody since 17.06.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Vaishali at Hajipur in connection with Mahua P.S. Case No. 487 of 2024.

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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