

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58169 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- TURKAULIYA District- East
Champaran

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Mithun Kumar Son of Yogendra Singh Kushwaha @ Yogendra Bhagat
Resident of Village- Parsauna Tola, Bagahi , P.S.- Turkauliya, District- East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Virendra Singh Son of Late Jeet Singh Resident of Village- Chainpura ward
no.-02 , P.S.- Turkauliya ,District- East Champaran

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Abhishek Ranjan
For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

2 27-08-2024 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 Turkauliya P.S. Case
No. 219/2024 dated 12.04.2024 registered for the offence
punishable u/s 341, 323, 504, 506, 498A, 120B, 363 and 365 of
the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the informant's
daughter mentally and physically due to non-fulfillment of
demand of dowry and ousted her from her matrimonial home



after threatening to kill her. Further, the informant has alleged that the petitioner has abducted his daughter and her child and kept them in some unknown place.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner who is husband of the informant's daughter. The petitioner neither demanded any dowry nor tortured the informant's daughter. The informant's daughter in her statement recorded u/s 164 of the Cr.P.C. has stated that she herself fled away with her child and she wandered here and there for 10-12 days with her child and after asking for path she came to Turkauliya Police Station on 24.04.2024. 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 one criminal antecedent as stated in para 3 of the



bail petition. The petitioner is in custody since 13.04.2024.

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, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 219/2024, with the 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 bond of the petitioner is 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)

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