

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60406 of 2023

Arising Out of PS. Case No.-489 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Brajesh Kumar, Son Of Shivmangal Prasad, Resident Of Village -Amethi
Khurd, P.S- Thawe, Dist -Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nirmala Kumari, Wife Of Brajesh Kumar, Resident Of Village- Amethi
Khurd, P.S.- Thawe, Distt- Gopalganj, At Present Duaghter Of Sakaldeep
Prasad, Resident Of Village- Harpur Tegrahi, P.S.- Mohammadpur, Distt-
Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Umesh Kumar Singh, Advocate
For the O.P. No. 2	:	M/S. Vikash Kumar and Krishna Kant Pandey, Advocates
For the State	:	Mr. Nityanand, A.P.P.

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

ORAL ORDER

4 08-04-2024 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. 489 of 2021, Tr. No. 2138 of 2023 dated
12.03.2021 registered for the offence punishable under Section
498(A) of the I.P.C.

3. As per the prosecution case, the petitioner and other co-
accused persons are alleged to have tortured the complainant due to
non-fulfilment of demand of a Motorcycle as dowry.

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 an ideal marriage of the complainant with the petitioner was solemnized in the year 2017. 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, Gopalganj in connection with Complaint Case No. 489 of 2021, Tr. No. 2138 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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 bonds of the petitioner are 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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