

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58991 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Amarjeet Kumar, Son Of Pragas Prasad, aged about 34 years, Male, R/O
Village- Vanail, P.O.- Vanail, P.S.- Adampur, Dist- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anupan Bharti, age about 30 years, Female, Wife Of Amarjeet Kumar, D/O
Tulasi Prasad, R/O Village- Biyabarni, P.O- Maghra, P.S.- Deep Nagar, Dist-
Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Maheshwar Prasad, Advocate
For the O.P. No. 2	:	M/S. Rajesh Kumar Pandey and Ved Prakash Chandan, Advocates
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

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

ORAL ORDER

3 22-02-2024 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. 435 (C) of 2022 dated
02.06.2022 registered for the offences punishable under
Sections 323, 498A, 406, 494, 506/34 of the I.P.C. and Section 4
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



due to non-fulfilment of demand of Rs. 5,00,000/- 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 further submitted that the marriage of the complainant with the petitioner has been solemnized against her will by her parents, therefore, she does not want to live with the petitioner. She anyhow extorted money from the petitioner. She has also filed a Maintenance Case No. 23(M) of 2013 before the learned Principal Judge, Bihar Sharif, Nalanda and the learned court below directed the petitioner to pay Rs. 6,000/- per month as maintenance to the complainant and the petitioner is continuously paying Rs. 6,000/- as maintenance amount by way of Phone-Pay to the account of the complainant. It is further submitted that the complainant has fallen in love to another person at her maika village and her marriage was solemnized against her will by her parents family, therefore, she always wants to live at her maika. However, the petitioner is ready to keep the complainant as wife with full honour and dignity but she does not want to live with the



petitioner and she falsely been alleged that the petitioner performed second marriage to one Guriya Kumari, is totally false as stated in paragraph no. 9 of the bail petition. The petitioner is an employee of Indian Railways. 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 vehemently 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, Bihar Shariff, Nalanda in connection with Complaint Case No. 435 (C) of 2022, 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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