

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.98 of 2022

Arising Out of PS. Case No.-424 Year-2020 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

Kanhaiya Gupta, Gender-Male, aged about 30 years, Son of Ramesh Gupta, Resident of M.C.F.C.- 86, East Chawala Colony, Near-Bausano Devi Mandir, Ballabgarh, Police Station- Ballabgarh in the district of Faridabad, Haryana.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari @ Puja Gupta, aged about 26 years, Wife of Kanhaiya Gupta, and Daughter of Suresh Sah. At present resident of Mohalla- Begusmpur, Police Station - Ara Town in the district of Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 424 (C) of 2020 dated 06.11.2020 registered for the offence punishable under Section 498A of the I.P.C.

4. 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. 2,00,000/- as dowry.

5. 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 petitioner is ready to keep the complainant as his wife with full love and affection if she is ready to reside with the petitioner as stated in paragraph no. 9 of the bail petition. It is further submitted that the occurrence took place at Ballabhgadh in the State of Haryana but the present complaint has been filed in the court of learned C.J.M., Bhojpur at Ara so order of cognizance is without jurisdiction. Earlier the learned court below had directed for settlement and compromise with the complainant but unfortunately she became not ready for settlement. 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.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. 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, Bhojpur at Ara in connection with Complaint Case No. 424 (C) of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further 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 bonds of the petitioner are
liable to be cancelled.

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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