

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73855 of 2024

Arising Out of PS. Case No.-870 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Alok Azad, aged about 42 years, Male, S/O Sri Sukdev Azad, R/O Buddha Colony, Adalwadi, Nagar Parishad, Ward No. 3, P.O- Hajipur, P.S- Hajipur (Town), Distt.- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Kumari, aged about 39 years, Female, D/O Sri Babulal Sah, R/O Shashtrinagar, Ekmi Road, P.O- Laheriyasarai, P.S- Bahadurpur, Distt.- Darbhanga.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 870 of 2017 dated 23.06.2017 registered for the offences punishable under Section 498A 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 mentally and physically 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 falsely been 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 complainant is not ready to live with the petitioner from the very beginning and she had herself deserted the petitioner in the year 2016 itself. It is further submitted that initially the petitioner had filed Restitution Case No. 282 of 2016 on 26.02.2016 but due to her obstinate behaviour the reconciliation proceeding between the parties failed on 27.04.2017 before the learned court below and as such the petitioner had added the relief of decree of divorce against her. It is further submitted that lastly, the marriage between the parties was declared dissolved vide judgment and decree dated 01.08.2018, passed by the learned Principal Judge, Family Court, Vaishali at Hajipur in Restitution/Divorce Case No. 282 of 2016. 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 has 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 S.D.J.M., Darbhanga in connection with Complaint Case No. 870 of 2017, 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.

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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