

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67279 of 2023

Arising Out of PS. Case No.-1026 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Nand Kumar, Son Of Govind Singh, Resident Of Village Singuhi, P.S.-
Darigaon, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kanchan Kumari, Wife Of Nand Kumar, R/O Village-Singuhi, P.S.-
Darigaon, District-Rohtas, At Present Ward No. 10, Mohalla Bhartiganj,
P.S.-Sasaram (Town), District-Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ashutosh Tripathy, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.

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

ORAL ORDER

5 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 Sasaram Town (Darigaon) P.S. Case No. 1026
of 2022 dated 24.11.2022 registered for the offences punishable
under Sections 341, 323, 342, 328, 506/34 of the I.P.C. and
Sections 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the informant
due to non-fulfilment of demand of Rs. 10,00,000/- as dowry. It
is further submitted that the petitioner administered poison in



water and gave the informant for drinking.

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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is further submitted that there was love affair between the parties and the parents of the informant does not want to marry the informant with the petitioner but both the parties solemnized marriage in a temple. It is further submitted that the injury of the informant found simple in nature. 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*. 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, Rohtas at Sasaram in connection with Sasaram (Town) Darigaon Case No. 1026 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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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