

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67118 of 2023**

Arising Out of PS. Case No.-250 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Banti Tiwari @ Banti Kumar Tiwari Son Of Arun Tiwari Resident Of Village-
Galimapur, Ps- Taraiya, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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

ORAL ORDER

4 01-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 250 of 2022 dated 25.05.2022 registered for the offences punishable u/ss 498A read with section 34 of the Indian Penal Code and Section 4 of the D.P. Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the Complainant mentally and physically due to non-fulfillment of demand of Rs. 2,10,000/- and a gold chain as dowry and ousted her from the matrimonial home.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. 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. As per the Annexure-P-3, after marriage with the petitioner, the Complainant has been living with one Kapil Kumar in adultery at Mohalla Mission Compound, Dahiyawan from whom she gave birth to a female child. This fact finds support that the Complainant has filed Saran Mahila P.S. Case No. 31 of 2013 against Kapil Kumar and two others for the offences u/ss 420 and 376 of the Indian Penal Code in which she has disclosed the entire above mentioned facts. At the time of giving birth, Kapil Kumar and his mother left her in hospital and fled away and then she filed the instant case with ill motive. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has relied upon the judgment 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."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments 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 no criminal antecedent as stated in para 3 of the bail petition.

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

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saran at Chapra in connection with Complaint Case No. 250 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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