

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67658 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Archana Devi @ Archana Kumari, aged about 25 years (Female), W/O Naveen Kumar Singh, Resident of village- Barail, P.S.- Babubarhi, District- Madhubani.
 2. Praveen Kumar Singh, aged about 26 years (Male), S/O Ravindra Nath Singh, Resident of village- Barail, P.S.- Babubarhi, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar.
2. Priyanka Kumari, W/O Praveen Kumar Singh, Resident of village- Barail, P.S.- Babubarhi, District- Madhubani. At Present D/o Ramdev Mahto, Resident of village- Madhubani, P.S.- Andharathadi, District- Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioners : M/S. Gagandeo Yadav and Ravi Prakash,
Advocates

For the State : Mr. Rajendra Prasad Nat, A.P.P.

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

ORAL ORDER

8 08-01-2024 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with C.R. Case No. 37 of 2021 dated 20.01.2021 registered for the offences punishable under Sections 341, 323, 379, 498A, 307, 468, 367, 504, 506/34 of the I.P.C. and Section



$\frac{3}{4}$ of the D.P. Act in which cognizance has been taken under Sections 323, 341, 498A of the I.P.C. and Section $\frac{3}{4}$ of the D.P. Act.

4. As per the prosecution case, the petitioners and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Rs. 3,00,000/- and a golden ring.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner no. 1 is the husband and the petitioner no. 2 is the sister-in-law (Gotani) of the complainant and they have no concern with the alleged offence. Earlier the petitioner no. 2, who is the husband of the complainant, has filed M.M. Case No. 72 of 2020 for restitution of conjugal right, annexed as Annexure-2 to the bail application, but despite issuance of notice, she has not appeared before the learned court below. The petitioner no. 2 is ready to keep the complainant as his wife with all respect and full dignity as stated in paragraph no. 14 of the bail application. Learned counsel for the petitioners 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 petitioners has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioners have 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 petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court concerned, Madhubani in connection with C.R. Case No. 37 of 2021, subject to the condition 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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