

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71685 of 2022

Arising Out of PS. Case No.-458 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Pappu Sah @ Pappu Kumar Sah, Male, aged about 30 years, S/o Dinesh Sah,
R/v- Dandari, P.S.- Dandari, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ranjan Devi, Female, aged about 28 years, W/o Pappu Sah @ Pappu Kumar Sah, D/o Ramanand Sah, R/v- Dandari, P.S.- Dandari, District- Begusarai, presently residing at village- Miralipur, P.S.- Baliya, District- Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 09-01-2024 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, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Complaint Case No. 458 (C) of 2022 dated 22.03.2022 registered for the offences punishable under Sections 498A and 323/34 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 a motorcycle and Rs. 1,00,000/- 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. Earlier the complainant of the present case has also filed Complaint Case No. 834 of 2017 for the same and similar offence in which he has been granted bail. The present complaint has been filed by the complainant after eight years of marriage between the parties. It is submitted that the complainant herself does not want to live with the petitioner as from the very beginning she was not happy with her marriage as well as her husband and being a highly ambitious lady she herself left her matrimonial house and started living with her parents. It is submitted that the petitioner is willing to keep the complainant as his wife and his daughter with full honour and dignity as stated in paragraph no. 8 of the bail application. 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 one criminal antecedent as stated in paragraph no. 3 of the bail application.

6. 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.

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, Begusarai in connection with Complaint Case No. 458 (C) of 2022, 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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