

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1086 of 2023

Arising Out of PS. Case No.-466 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Arvind Kumar @ Arbind Chauhan, aged about 28 years (Male), S/O Nandlal Chauhan, R/O Village- Bankatamal, P.S- Bhorey, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. Manisha Devi, aged about 22 years (Female), W/O Arvind Kumar @ Arbind Chauhan, R/O Village- Bankatamal, P.S- Bhorey, District- Gopalganj, At present residing village and P.S- Uchakagaon, District- Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Suresh Prasad Bhakta, Advocate
For the O.P. No. 2	:	M/S. Manoj Kumar Madhukar and Mahendra Thakur, Advocates
For the State	:	Mr. Abhay Kumar, A.P.P.

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 C. Case No. 466 of 2020 (Tr. No. 2085 of 2022) dated 03.03.2020 in which cognizance has been taken for the offences punishable under Sections 498A of the I.P.C. and ¾ of



the D.P. Act., against the petitioner and two others.

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 Rs. 2,00,000/- 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. It is submitted that the petitioner is ready to keep the complainant as his wife with full respect and dignity but the complainant is not ready to live with the petitioner as his wife as stated in paragraph no. 6 of the bail application. It is submitted that the petitioner has filed M.M. Case No. 72 of 2021 for divorce against the complainant on the ground that she is not ready to live with the petitioner as his wife. It is further submitted that the complainant has filed Maintenance Case No. 70 of 2020 before the learned Principal Judge, Family Court, Gopalganj, stating therein that she does not want to live with the petitioner. 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 498(A) 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.

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, Gopalganj in connection with C. Case No. 466 of 2020 (Trial No. 2085 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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