

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72649 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

Jai Kumar Dokhbar @ Jai Kumar, Male, aged about 39 years, Son of Dwarika Pd. Mandal @ Dwarika Mandal, Resident of Village-Baha Chowki, P.O.- Baha Chowki, P.S.- Dharhara, Dist.- Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Sitanshu Shekhkar Singh and Vidyapati,
Advocate

For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-01-2024 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 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Medni Chowki P.S. Case No. 18 of 2023 dated 20.02.2023 registered for the offences punishable under Sections 341, 323, 379, 494, 498A, 448, 504 and 506 of the I.P.C.

4. 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 a car as dowry and on non-fulfilment of the same, she was ousted from the matrimonial house. Thereafter, she alongwith her son started residing at her Naihar. It is further alleged that on 19.02.2023, the petitioner came at her Naihar in drunken state and demanded her ornaments by abusing her and on protest, he pushed her on the ground and started pressing her throat and took out her gold ornaments worth Rs. 3,50,000/- and cash of Rs. 50,000/- from her box and stated that he had remarried with another girl, namely, Khushi. When her Naihar people came outside the house, the petitioner pointed a pistol and threatened to all that they will be killed and fled away.

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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner had filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, before the learned Principal Judge, Family Court, Munger, vide Matrimonial Case No. 294 of 2014



in which judgment/order was passed on 19.12.2017 in favour of the petitioner and decree was passed by the learned court below on 08.01.2018 but the informant has not complied the order passed by the learned court below and started living separately from the petitioner. Thereafter, the petitioner filed a divorce petition bearing Matrimonial Case No. 96 of 2020 before the learned Principal Judge, Family Court, Munger, in which informant was summoned on 16.02.2022 to appear in the court on 29.03.2022. Earlier on two occasions, the informant had also filed Medni Chowki P.S. Case No. 32 of 2022 against the petitioner in which he is on bail and another Complaint Case No. 623C of 2022 has been filed against 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 498A of the Indian Penal Code is triable by the



Magistrate. The petitioner has two criminal antecedents 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 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, Lakhisarai in connection with Medni Chowki P.S. Case No. 18 of 2023, 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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