

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68335 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sunil Kumar Das @ Sunil K. Das, aged about 30 years, Male, Son of Ram
Udgaar Das, R/v- Chand Chour Mokarri, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anisha Kumari, aged about 22 years, Female, Wife of Sunil Kumar Das @
Sunil K. Das, R/v- Bhagwatpur Baraipura, P.S.- Sarairanjan, District-
Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Mahendra Pratap, Advocate
For the O.P. No. 2	:	M/S. Rajeev Ranjan and Raju Kumar Singh, Advocates
For the State	:	Mrs. Sharda Kumari, A.P.P.

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

ORAL ORDER

8 08-01-2024 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. 153 of 2022 dated



08.02.2022 registered for the offences punishable under Section 498A of the I.P.C. and Section 4 of the D.P. Act.

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 colour T.V., 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. Learned counsel for the petitioner has further submitted that the petitioner and the opposite party no. 2 are living together and leading a conjugal life happily. Now, there is no dispute between them. 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 supported the aforesaid submissions made on behalf of the learned counsel for the petitioner. They have further submitted that a conversation has been made on Mobile Phone with the petitioner and the opposite party no. 2 outside the Court and they have stated that they are living together and leading a conjugal life happily.

7. Considering the aforesaid facts and circumstances of the case and in view of the fact that the petitioner and the opposite party no. 2 are living together and leading a conjugal life and there is no dispute between them, 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, Samastipur in connection with Complaint Case No. 153 of 2022, subject to the condition as



laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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