

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73774 of 2024

Arising Out of PS. Case No.-177 Year-2020 Thana- MADHEPUR District- Madhubani

Gopal Kumar Karn @ Gopal Karn @ Gopal Kumar S/O Late Lakshmi Kant Karn @ Lakshmi Kant Lal @ Lakashmi Jai Prasad Resident Of Village-Kanta, Ps- Gayghat, District- Muzaffarpur, At Present Resident Of House No 198 ,STREET No 10, Amritpuri Garhi, East Of Kailash Near Iskon Temple, Ps- Amar Colony, South Delhi 110065

... .. Petitioner/S

Versus

1. The State of Bihar
2. Neha Kumari D/O Late Santosh Panjiyar R/O Madhepur Bazar, P.S. - Madhepur, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar Suman, Adv
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Madhepur P.S. Case 177 of 2020 registered for the offence/s punishable u/s 341, 372, 376, 420, 342, 323, 506 and 34 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the informant and took her to his house and used to assault her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner is the husband of the informant. The charge sheet has been submitted against the petitioner u/s section 323, 341, 498A of the I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act. The petitioner has also filed a case for restitution of Conjugal Right u/s 9 of the Hindu Marriage Act vide Case no. HMA 406/201 in the Delhi Family Court. Learned counsel for the petitioner has relied upon the judgment 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.**" Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments 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.** The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus,



let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Madhepur P.S. Case 177 of 2020, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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