

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73814 of 2024

Arising Out of PS. Case No.-403 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Vikram Kumar Jha (M), aged about 26 years, S/o Manoj Kumar Jha, R/o Village- Sanjat, P.S.- Bhagwanur, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari, W/o Vikram Kumar Jha, D/o Chandrabhushan Thakur, R/o Village- Sanjat, P.S.- Bhagwanur, District- Begusarai, at present resident of Village- Samartha, P.S.- Bibhutipur, District- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Upendra Prasad Singh, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, A.P.P.

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 connection with Bibhutipur P.S. Case No. 403 of 2023 dated 17.10.2023 registered for the offences punishable under Sections 341, 323, 494, 498A, 504, 506 read with Section 34 of the I.P.C. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfilment of demand of Rs. 2,00,000/- and motorcycle as dowry. It is further alleged that the petitioner performed second marriage with another girl.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been 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. It is further submitted that the informant is a quarrelsome lady and she has no respect for the petitioner and his family members. Even when the petitioner took her at his working place she was not living there peacefully. The petitioner has not performed second marriage with any other lady and the allegation against the petitioner regarding relation with Nanad of his sister is absolutely illegal and non-sense as stated in paragraph no. 11 of the bail petition. It is further submitted that the informant is not ready to live with the petitioner and had gone to her maike without consent of the petitioner and his family members as she had already performed marriage with one Rahul Kumar Thakur, Samastipur, on 22.03.2024. 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 clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. 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 S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 403 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

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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