

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74021 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- MAHILA PS District- Gaya

Shishupal Kumar @ Shishupal Kumar Singh Son of Late Narendra Singh
R/O-Mohalla- Siddarth Puri Colony Road No. 01, PS- Muffasil, District-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rakhi Singh Wife of Shishupal Kumar@Shishupal Kumar Singh, D/O- Late
Ranjeet Singh Resident of Village- Barki Mahammadpur, P.O.- Samnima,
P.S.- Bkhtiyarpur, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satyaveer Jha, Adv.
For the O.P. No. 2	:	Ms. Sweta Raj, Adv.
For the State	:	Mr.Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner, learned
counsel for the O.P. No.2 and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Mahila P.S. Case No. 28 of 2024 dated
23.05.2024 registered for the offences punishable u/ss 323, 341,
379 and 498A read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfillment of demand of Rs.
2,00,000/- as dowry. It is further alleged that they also snatched
ornaments and mobile from the informant and ousted her from
the matrimonial home.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that prior to the present F.I.R., the petitioner has filed a Matrimonial Case bearing M.T.S. No. 154/2024 seeking divorce under Section 13 of the Hindu Marriage Act against the informant which is pending in the court of learned Principal Judge, Family Court, Gaya. 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 two criminal antecedents as stated in para 3 of the



bail petition.

6. Learned A.P.P. for the State and learned counsel for the O.P. No. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus against the petitioner, 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Mahila P.S. Case No. 28 of 2024, subject to conditions 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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