

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76895 of 2023

Arising Out of PS. Case No.-588 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Jai Prakash Rai @ Jay Prakash Rai @ Golden Rai S/O Anil Kumar Rai
Village- Khardiha, Ps. Bhawarkol, Dist. Ghajipur, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Swati Rai D/O Sanjay Rai Village- Rampur, Ps. Rajpur, Dist. Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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

ORAL ORDER

2 02-01-2024 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 a case in

connection with Complaint Case No. 588(c) of 2017 dated

24.07.2017 registered for the offence/s punishable u/s 498A of

the Indian Penal Code and 4 of the DP Act.

4. As per the prosecution case, the petitioner and the

co-accused persons are alleged to have tortured the complainant

mentally and physically due to non-fulfillment of demand of a



Maruti car as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that both the petitioner and the complainant had filed divorce case vide Matrimonial case No. 499 of 2014 under section 13B of the Hindu Marriage Act on the basis of mutual consent in the court of learned Principle Judge, Family Court, Ghazipur and vide Judgement dated 23.01.2017, the learned Court has been pleased to dissolve the marriage and thereafter about six months, the present complaint case under section 498A of the IPC under section 4 of the DP Act was filed against the petitioner. 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.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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, Buxar in connection with Complaint Case No. 588(c) of 2017, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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