

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77235 of 2023

Arising Out of PS. Case No.-1711 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Harendra Singh @ Harindra Singh S/O Bhuneshwar Singh R/O Village- Garunpar, New Colony, P.O And P.S And Distt.- Deori (U.P).
 2. Gyanti Singh @ Gyanti Devi W/O Harendra Singh @ Harindra Singh R/O Village- Garunpar, New Colony, P.O And P.S And Distt.- Deori (U.P).
 3. Amarjeet Singh S/O Harendra Singh @ Harindra Singh R/O Village- Garunpar, New Colony, P.O And P.S And Distt.- Deori (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Amrita Singh W/O Amarjeet Singh R/O Village- Garunpar, New Colony, P.O And P.S And Distt.- Deori (u.p). At Present at C/O Ranapratap Singh, Vilage- Majhawaliya, P.S- Dharhar, P.S- Kateya, Distt.- Gopalganj, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Advocate Miss Ajita, Advocate.
For the Opposite Party/s	:	Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2024 Learned counsel for the petitioners are 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 petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 1711 of 2021 registered for the offence punishable under Sections 323,



498A, 406, 307, 354B read with 34 of the Indian Penal Code and Sections 3 & 4 of the D.P. Act.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The petitioner no.1 is the father-in-law, the petitioner no.2 is the mother-in-law and petitioner no.3 is husband of the complainant. It is further submitted that the petitioners never demanded any dowry nor tortured the complainant. Learned counsel has further submitted that the complainant does not want to live with the petitioners and there was a *panchayati* between the parties in presence of well wishers of both the parties and the matter was compromised between the parties and it was agreed that the petitioner no.3 will pay Rs. 4,00,000/- (Rupees Four Lakh) to the complainant as maintenance for one time settlement on 05.03.2023 and on the basis of agreement, Rs. 1,90,000/-



was sent through UPI transaction to the account of Rana Pratap Singh (father of the complainant) on 05.03.2023 and the petitioners are ready to pay the rest amount of Rs. 2,10,000/- as per compromise dated 05.03.2023. The petitioners have 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 petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners,



in the event of their 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, Gopalganj in connection with Complaint Case No. 1711 of 2021, 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)

Nilmani/-

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