

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76960 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- LAXMIPUR District- Jamui

Vikash Rawat @ Vikash Raut Son Of Lalan Raut Add- 639/Ids Colony Near
Shiv Mandir Hirapur Po Ps- Dhanbad Dist- Dhanbad Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankush Kumari @ Ankush Devi wife of Vikash Rawat R/o- Seva Nichli Ps-
Gidhaur Dist- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Pandey, Adv
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**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
connection with Lakshmipur P.S. Case No. 224 of 2023 dated
18.05.2023 registered for the offences punishable under
Sections 498A, 328, 386, 307, 379, 380,120(B) of the Indian
Penal Code and section 3/4 of the Dowry Prohibition Act.

4. As per the prosecution case, the accused persons
abused and assaulted the informant due to the non fulfillment of
demand of dowry and on 08.06.2022 accused persons forcibly
administered poison for which she was taken for treatment.



Later on, they ousted the informant from her matrimonial home and snatched her belongings.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is husband of the informant and he never demanded dowry nor tortured. The informant has love affair with another person namely, Abhinash Kumar, who is neighbour of the informant. The photographs of their relationship as well as letters were also available to the petitioner and the petitioner made complaint on 10.06.2022 to Mahila Thana, Dhanbad against his wife and Divorce Case No. 1056 of 2022 was also filed by the informant on the ground of adultery before family court, Dhanabad. There is general and omnibus allegation against the petitioner who is the husband of the complainant. 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 in para 3 of the bail petition.

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

7. Considering the aforesaid facts and circumstances
as well as submissions of the parties, let the above named
petitioner, in the event of his arrest/ surrender within six weeks
from the date of receipt of this order to the court concerned, be
released on anticipatory bail on furnishing bail bonds of Rs
20,000/- (twenty thousand) each with two sureties of the like
amount each to the satisfaction of the Learned Judicial
Magistrate-I Jamui in Lakshmipur Case No. 224 of 2023 subject
to condition as laid down under Section 438(2) of the Cr.P.C.

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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