

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77209 of 2023

Arising Out of PS. Case No.-1359 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Pankaj Kumar @ Pankaj Thakur, Male, aged about 30 years, Son of Yogendra Thakur, Resident of Village - Shahpur, P.S. - Kiul, District – Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Guriya Bharti, D/O Subodh Sharma, Wife of Pankaj Kumar @ Pankaj Thakur, Resident of Village- Derhgaon, P.S. - Kashichak, District – Nawada.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Narsingh Tanti, Advocate
For the State	:	Mr. Kanhaiya Kishore, A.P.P. 100

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1359 of 2022 dated 04.11.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 376, 498A, 420, 406 of the I.P.C. and Sections 3/4 of the D.P. Act in which cognizance has been taken for the offences punishable under Sections 498A and 323 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs.



4,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the opposite party no. 2 always used to talk with her boy friend which was objected by the sasural's people. The petitioner has filed an Informatory Application No. 792 of 2022 on 27.04.2022 before the learned S.D.M, Jamui against her and her parents stating all the facts and requested to send a same copy to the Kashichak Police Station, Nawada. The petitioner is ready to keep the opposite party no. 2 as his wife with full honour and dignity but she does not want to live with the petitioner as stated in paragraph no. 10 of the bail petition. The petitioner has also filed a Case No. 136 of 2022 for restitution of conjugal right under Section 9 of the Hindu Marriage Act before the learned Family Court, Lakhisarai. 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 court concerned, Nawada in connection with Complaint Case No. 1359 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(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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