

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79391 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- BALIA BELON District- Katihar

Satya Narayan Das Son Of Late Ram Lakhan Das Resident Of Village-
Mariya Singhpur, Ps- Balia Belon, Distt- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Julee Devi Wife Of Satya Narayan Das Resident Of Village- Narayanpur,
Ps- Balia Belon, Distt- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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

ORAL ORDER

2 23-01-2024 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 Balia Belon P.S. Case No. 81 of 2023 dated

21.06.2023 registered for the offences punishable under

Sections 498A, 494, 504, 506 read with 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 dowry.

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 who is husband of the informant. The petitioner has neither demanded any dowry nor tortured the informant. Learned counsel has submitted that the petitioner has filed Divorce suit against the informant on 21.12.2022, Matrimonial Case No. 718 of 2022. In the said matrimonial case notice was served upon the informant, thereafter, the present case 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 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 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 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, Katihar in connection with Balia Belon P.S. Case No. 81 of 2023 subject to conditions 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 is liable to be cancelled.

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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