

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3107 of 2023**

Arising Out of PS. Case No.-119 Year-2020 Thana- GOPALGANJ COMPLAINT CASE  
District- Gopalganj

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Bikram Prasad, aged about 62 years (Male), S/O Late Sudama Prasad,  
Resident of village- Duhauna, P.S.- Kateya, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. Devanti Devi, aged about 23 years (Female), W/O Prabhakar Prasad,  
Resident of village- Duhauna, P.S.- Kateya, District- Gopalganj, At Present  
D/o Birendra Prasad, Resident of village- Dhanauti, Ward No- 11, P.S and  
P.O.- Kateya, District- Gopalganj.

... .. Opposite Parties

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**Appearance :**

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the Petitioner | : | Mr. Pankaj Kumar Dubey, Advocate |
| For the O.P. No. 2 | : | None.                            |
| For the State      | : | Mrs. Sharda Kumari, A.P.P.       |

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

ORAL ORDER

4      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. However, learned  
  
counsel for the opposite party no. 2 is not present.

3. The petitioner is apprehending his arrest in  
  
connection with Trial No. 1972 of 2022, arising out of



Complaint Case No. 119 of 2020 dated 16.01.2020 in which cognizance has been taken under Sections 498A and 323 of the I.P.C.

4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of Motorcycle as dowry.

5. 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 father-in-law of the complainant and he has no concern with the alleged offence. It is submitted that marriage of the complainant with the son of the petitioner was solemnized on 27.06.2012 but bidai took place after two and half years of her marriage. The complainant herself is not ready to live in her matrimonial house with the petitioner's son as a husband and wife. It is further submitted that the husband of the complainant has already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 35219 of 2023 under order dated 28.08.2023. 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 498(A) 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.

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 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, Gopalganj in connection with Trial No. 1972 of 2022, arising out of Complaint Case No. 119 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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