

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76139 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA P.S. District- Muzaffarpur

Dharvendar Kumar @ Dharmendra Kumar Mahto, (Age-32 years, Gender-Male), Son of Jay Kishun Mahto, Resident of Village - Naya Tola Barkagaon, Ward No. 05, P.S. - Karja, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Radha Kumari, (Age-28 years, Gender-Female), Daughter of Ram Balak Mahto, Resident of Village - Hajratpur, P.S.- Mohinuddinagar, District - Samastipur (Mobil No. 9939968793)

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bhavesh Kumar, Advocate
For the O.P. No. 2	:	M/S. Rajesh Kumar and Vinod Kumar, Advocates
For the State	:	Mrs. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muzaffarpur Mahila P.S. Case No. 23 of 2023 dated 16.06.2023 registered for the offences punishable under Sections 341, 323, 504, 506, 498A of the I.P.C. and Section 3/4 of the D.P. Act.

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



2,00,000/- and four wheeler car 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is submitted that the opposite party no. 2 wants to lead a luxurious life which is not capable by the petitioner due to his poor financial condition and just after the marriage, she went to her naihar on her own will without consummating the married life. 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 and learned counsel for the opposite party no. 2 have 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, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 23 of 2023, 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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