

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79052 of 2023

Arising Out of PS. Case No.-1305 Year-2022 Thana- COMPLAINT CASE District- Banka

MANOJ KUMAR S/O SHIV NARAYAN YADAV @ SHEO NARAIN
YADAV RESIDENT OF VILLAGE- KATHOUN, P.S- RAJOUN, DISTT.-
BANKA.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. VISHNU PRIYA W/O MANOJ KUMAR SON OF DHIRENDRA PRASAD
YADAV PRESENTLY RESIDING AT KAMALNAGAR COLONY,
MIRJANHAT, DISTT.- BHAGALPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv.
For the Informant	:	Mr. Pankaj Kumar, Adv.
		Mr. Sadanand Prasad Deo, Adv.
For the Opposite Party/s :		Mr.Binod Kumar, APP

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

ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para 3 of the bail petition during
the course of the day.

3. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 1305 of 2022 dated
27.07.2022 registered for the offence/s punishable u/s 498A of
the Indian Penal Code.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the complainant mentally and physically and implicated in false cases due to non-fulfillment of demand of Rs. 5 lakh as dowry. It is further alleged that the accused persons also snatched golden ornaments.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner had earlier filed Matrimonial Case No. 407 of 2013 at Bhagalpur Family Court, which came to be dismissed. It is further alleged that the petitioner also filed a Complaint Case No. 1400 of 2013 against the complainant and her family members for commission of offence of theft, Dacoity and robbery, while the complainant has also filed Misc. Case No. 158 of 2014 under section 125 of the Cr. P. C. for maintenance. The petitioner and the complainant are living separate since the year 2013. The petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. Learned counsel for 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 one more criminal antecedent as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and stated that the petitioner has already contracted second marriage and lodged a false case against the complainant and her family members and also ousted her from the house.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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, Banka in connection with Complaint Case No. 1305 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bond 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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