

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80808 of 2023

Arising Out of PS. Case No.-505 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

SHANI TIWARI @ SHANI TWARI @ SANNY TIWARI Son of Baliram
Tiware R/o vill - Balbhadar Parsa, P.S. - Phulwaria (Sripur O.P.), Distt. -
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Neha Devi Wife of Sanny Tiwari, D/o Raju Pandey R/o vill - Kuchaikote,
P.S. - Kuchaikote, Distt. - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.
For the Opposite Party/s : Mr.Narsingh Tanti, APP

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

ORAL ORDER

4 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 a case in
connection with Kuchaikot P. S. Case No. 505 of 2022 dated
24.11.2022 registered for the offences punishable u/ss 323,
498A and 406 of the Indian Penal Code and u/s 3/4 of the
Dowry Prohibition Act.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the Complainant
mentally and physically due to non-fulfillment of demand of
motorcycle as dowry.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the Complainant. The petitioner neither demanded any dowry nor tortured the Complainant. 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 as well as the allegation being general and omnibus against the petitioner, 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, Gopalganj in connection with Kuchaikot P.S. Case No. 505 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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