

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81435 of 2023

Arising Out of PS. Case No.-1652 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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AWADHESH DAS SON OF HARENDRA DAS RESIDENT OF VILLAGE -
DULMA, P.O. - DULMACHAITA, P.S. - MADHUBAN, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RIMA KUMARI WIFE OF AWADHESH DAS RESIDENT OF VILLAGE -
DULMA, P.O. - DULMA CHAITA, P.S. - MADHUBAN, DISTRICT -
EAST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mrs.Anita Kumari, APP

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**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 Complaint Case No. 1652 of 2022 dated
05.07.2022 registered for the offences punishable u/ss 323, 341,
379, 498A, 406, 387, 504 and 506 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 due to non-fulfillment of demand of
motorcycle, gold chain and buffalo as dowry. The accused
person ousted the Complainant from the matrimonial home.



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, Motihari, East Champaran in connection with Complaint Case No. 1652 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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