

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81775 of 2023

Arising Out of PS. Case No.-1565 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Raja Kumar, Male, aged about 33 years, Son of Sri Arjun Ram, Resident of
Quarter No. 204, East Railway Colony, Police Station- Gadhara, District-
Begusarai.

... .. Petitioner

Versus

1. The State of Bihar.
2. Onam Arya, Female, Wife of Raja Kumar, D/O Sri Umesh Ram, Resident of
Dariyapur Gola, Police Station- Kadamkuan, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Pawan Kumar Chaurasia, A.P.P.

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

ORAL ORDER

4 20-04-2024 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.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1565 (C) of 2015 dated
17.04.2015 registered for the offence punishable under Section
498(A) of the I.P.C.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfilment of demand of Rs.
1,00,000/- 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 complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the opposite party no. 2 does not want to live with the petitioner as from the very beginning, she was not happy with her marriage and her husband and being a highly ambitious lady she herself left her matrimonial home and started living at her naihar. Earlier the petitioner has filed Matrimonial Case No. 26 of 2015 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in which the opposite party no. 2 did not appear and an ex-parte order has been passed by the learned Principal Judge, Family Court, Begusarai in favour of the petitioner. 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 has 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 S.D.J.M., Patna in connection with Complaint Case No. 1565C of 2015, 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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