

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84958 of 2023

Arising Out of PS. Case No.-2202 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Bhagwan Lal, aged about 31 years, Male, Son of Late Hajari Manjhi, R/O
Village- Chhotpur, P.S.- Muffasil, Dist.- Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Indrawati Devi, aged about 24 years, Female, Wife of Bhagwan Lal, R/O
Vill- Chhotpur, P.S.- Muffasil, Dist.- Siwan, Present address-Vill-Hem
Bardaha, P.S.- Kuchayekot, Dist.- Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Vikash Kumar Shukla, Advocate
For the O.P. No. 2	:	Mr. Vinod Pandey, Advocate
For the State	:	Mrs. Anita Kumari, A.P.P.

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

ORAL ORDER

4 25-04-2024 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 Complaint Case No. 2202 of 2022 dated
20.10.2022 registered for the offences punishable under
Sections 323, 406, 498A of the I.P.C. and Section ¾ of the D.P.
Act in which cognizance has been taken for the offences
punishable under Section 498A of the I.P.C. and Section ¾ of
the D.P. Act.

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 motorcycle 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 is a cruel lady and she has no respect for her husband and the family members and she herself left the petitioner's house by taking her belongings, jewellery and cash kept in the house. It is further submitted that the petitioner is ready to settle the dispute amicably on reasonable terms with the opposite party no. 2, as stated in paragraph no. 10 of the bail petition. 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 S.D.J.M. Gopalganj in connection with Complaint Case No. 2202 of 2022, 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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