

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1967 of 2024

Arising Out of PS. Case No.-1880 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ramesh Das Son Of Sarekhan Das @ Sakhindra Das Resident Of Village-
Bishambharpur Ailoth, P.S.- Musrigharari, Distt- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Doli Devi Wife Of Ramesh Das Resident Of Village- Musapur, P.S.-(Ghatho
O.P.) Sarairanjan, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with C.R. Case No. 1880/2022, T.R. No. 2769/2023 in which cognizance has been taken offence under Section 498(A) of the Indian Penal Code and u/s 4 of the D.P. Act.

3. 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.

4. 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 rather he has filed a case bearing Matrimonial Case No. 176/2022 for restitution of conjugal life before the learned court of Principal Judge Family Court, Samastipur. It is further submitted that the complaint petition has been filed on 10.11.2022 after much delay of the nine months of the alleged occurrence. 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. 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, Samastipur in connection with C.R. Case No. 1880/2022, T.R. No. 2769/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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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