

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.158 of 2024

Arising Out of PS. Case No.-279 Year-2021 Thana- HARLAKHI District- Madhubani

1. Ravindra Thakur Alias Rabindra Kumar Son Of Jogani Thakur Resident Of Village- Rampur P.S.- Harlakhi, District- Madhubani
2. Putul Devi Wife Of -RAVINDRA Thakur@Rabindra Kumar Resident Of Village- Rampur P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi Wife Of Ravindra Thakur, D/O-Kusheshwar Thakur At Resident Village-Garha, P.S.- Deodha, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 01-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harlakhi P.S. Case No. 279 of 2021 dated 18.01.2021 registered for the offences punishable under Sections 341, 323, 498A, 354 read with 34 of the Indian Penal Code and Sections 3 and 4 of the D.P. Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs.



5 lacs as dowry and the petitioner, Ravindra Thakur contracted second marriage with Putul Devi (Petitioner No. 2).

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is general and omnibus allegation against the petitioners and the petitioner No. 1 is the husband of the informant, who did not contracted second marriage. The petitioners neither demanded any dowry nor tortured the informant. 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.**

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



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Harlakhi P.S. Case No. 279 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioners are 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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