

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5603 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- MAHILA P.S. District- Lakhisarai

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Sujeet Kumar @ Sujit Kumar, aged about 35 years, Male, Son of Krishna Mohan Prasad Singh, Resident of Village- Gaurah Garh, Police Station- Bihar Sharif, District- Nalanda, Bihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Kumari @ Shruti Kumari, wife of Sujeet Kumar, resident of village- Jwas, Post-Dhiradar, P.S. Barahiya, District-Lakhisarai.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mrs. Richa, Advocate
For the O.P. No. 2	:	M/S. Navin Kumar and Dilip Kumar Singh, Advocates
For the State	:	Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-06-2024 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 Lakhisarai Mahila P.S. Case No. 40 of 2023 dated 08.05.2023 registered for the offences punishable under Sections 341, 323, 494, 498A and 506/34 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured and pressed the neck of the informant due to non-fulfilment of demand of dowry. It is further alleged that the petitioner who is the husband



of the informant has contracted second marriage with one Shabya Kumari.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the present case has been filed after seventeen years of marriage. It is further submitted that the petitioner has not performed second marriage with Sabya Kumari. Other co-accused persons have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 8515 of 2024 under order dated 15.02.2024. 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 Sub Divisional Judicial Magistrate, Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 40 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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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