

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2009 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA P.S. District- Nawada

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UTPAL KANT SON OF BUNDEL SINGH RESIDENT OF MOHALLA -
RAJENDRA NAGAR, NAWADA, P.S. - NAWADA, DISTRICT - NAWADA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. NISHA KUMARI DAUGHTER OF LATE SHRAWAN SINGH RESIDENT
OF VILLAGE - SAMARIGARH, P.S. - ROH, DISTRICT - NAWADA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv.
For the Opposite Party/s : Mr.Gulnar Begum, APP

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

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Nawada Mahila P.S. Case No. 25 of 2023 dated
24.06.2023 registered for the offence/s punishable u/ss 498A
and 504 read with section 34 of the Indian Penal Code and ³/₄ of
the DP Act.

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



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. The petitioner has already been filed the Matrimonial Case No. 204 of 2023 in the Court of Principal Judge, Family Court, Nawada. Learned counsel for 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 at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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, Nawada in connection with in Nawada Mahila P.S. Case No. 25 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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