

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11442 of 2025

Arising Out of PS. Case No.-1566 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Kanhaiya Kumar @ Omkar Nath Son of Sri Devi Prasad Mehta @ Devi Prasad Resident of Math Laxmanpur, Koiri Tola, Shiv Mandir Pipal Tal, PS -Alamganj, Dist -Patna

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Rani kumari ,W/o Kanhaiya Prasad, D/o Om prakash Mahto,resident of Dadarmandi, Devi Asthan, Guljarbagh, P.S. Alamganj, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jay Karn, Adv.
For the informant	:	Mr. Anjani Kumar Sinha, Adv.
		Mr. Bijendra Prasad Sinha, Adv.
For the Opposite Party/s :		Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 1566/2023 dated 21.12.2023 registered for the offences punishable u/ss 323 and 498A of the Indian Penal Code.

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



dowry and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner 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 informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner has filed an application for divorce bearing Matrimonial Case No. 1435/2023 before the learned Principal Judge, Family Court, Patna. 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 one criminal antecedent as stated in para 3 of the bail petition. As per the mediation report dated 13.10.2025, the mediation for amicable



settlement between the parties has failed.

5. Learned A.P.P. for the State and learned counsel for the informant have 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, Patna City in connection with Complaint Case No. 1566/2023, 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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