

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19609 of 2020

Arising Out of PS. Case No.-602 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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MAHESH SINGH Son of Sri Sudisht Singh Resident of Village- Sherpur,
P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sangita Kumari W/o Mahesh Singh Resident of Village- Sherpur, P.S.-
Jandaha, District- Vaishali. At present daughter of Ashok Kumar Singh,
Village- Maudah Chatur, P.S.- Patepur, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
Mr. Ravi Prakash, Adv.
For the Opposite Party/s : Mr.

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

ORAL ORDER

- 3 04-11-2025 Learned counsel for the petitioner is directed to

remove the defect(s), as pointed out by the office, if any, within

a period of two months from today.

Heard learned counsel for the petitioner.

2. The petitioner is apprehending his arrest in a case in
connection with Complaint Case No. 602 of 2018 registered
for the offences punishable u/s 498A read with section 34 of the
Indian Penal Code and Sections 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the 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 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 informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. Learned counsel has further submitted that the marriage between the parties was dissolved by the decree of divorce on the basis of the mutual consent on 14.12.2021. 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. 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Vaishali at Hajipur in connection with Complaint Case No. 602 of 2018, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

6. The application stands allowed.

(Chandra Prakash Singh, J)

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