

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21751 of 2025

Arising Out of PS. Case No.-238 Year-2023 Thana- COMPLAINT CASE - BENIPATTI
District- Madhubani

Shankar Kumar Mallik @ Shankar Dhankar S/O Ramdev Dhankar R/o village
- Kasiyaun, P.s- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soniya Devi W/O Shankar Dhankar @ Shankar Kumar Mallik R/o Kasiyaun, Rajnagar Ward no. 15, P.S.- Rajnagar, Dist.- Madhubani. At Present R/O Vill.- Uccchaith, P.S.- Benipatti, Dist.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

03 10-09-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with C.R. no.238 of 2023 registered for the offence punishable under sections 498A, 379, 307, 341, 323, 380, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the opposite party no.2 was married to the petitioner in the year 2019. It is stated that soon thereafter the accused persons specially the petitioner herein who happens to be the husband of the opposite party no.2 started to torture her for nonfulfilment of demand of dowry by



way of Rs.3 lakhs in cash and a motorcycle. On the family members of the opposite party no.2 trying to intervene and settle the differences it is stated that they too were assaulted and they somehow managed to save themselves. Hence the complaint.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the complaint has taken place. The petitioner is always ready to amicably settle the differences which are trivial and normally exist between married couple. There has been no complaint in the past and the petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no.2. It is submitted by learned counsel for the opposite party no.2 that the parties are ready to amicably settle the dispute and as such the matter be referred for mediation. It is further submitted on merits that it is not a case for grant of anticipatory bail as it was the petitioner who has been physically and mentally torturing the complainant.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., there being no documents/injury report etc. brought



on record in support of the allegations levelled and the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with C.R. no.238 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Benipati, Madhubani.

(Partha Sarthy, J)

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