

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32202 of 2025

Arising Out of PS. Case No.-278 Year-2018 Thana- KAMTAUL District- Darbhanga

Chandra Mohan Sah @ Rinku S/O Kishori Sah R/o - Kamtaul, P.S - Kamtaul,
District - Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Kajal Kumari W/O Chandra Mohan Sah @ Rinku R/o - Kamtaul, P.S -
Kamtaul, District - Darbhanga, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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

ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. As per the office notes dated 22.07.2025, notice
upon Opposite Party No. 2 deemed to be validly served as
telephonic conversation with O.P. No. 2 took place.

3. The petitioner is apprehending his arrest in
connection with Kamtaul P.S. Case No. 278/2018 dated
08.10.2018 registered for the offence punishable under Sections
341, 323 and 498A read with 34 of the Indian Penal Code and
Sections 3 & 4 of the D.P. Act.

4. 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. 5 lacs and a motorcycle as dowry and ousted her from matrimonial house.

5. 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 who is husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. 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.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



7. 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, Darbhanga in connection with Kamtaul P.S. Case No. 278/2018, subject to conditions as laid down under section 482(2) of the B.N.S.S, with further condition:-

8. 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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