

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28638 of 2025

Arising Out of PS. Case No.-1490 Year-2024 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Ashok Kumar S/o Raj Kishore Prasad Resident Of Village - Turkauliya Bazar,
Ward No 3, Ps- Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Prity Kumari W/o Ashok Kumar, D/o Nagendra Prasad R/o vill - Turkauliya Bazar, Ward no. 3, P.S.- Turkauliya, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-11-2025 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State, however, on repeated call none appeared on behalf of the informant.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1490/2024 registered for the offence punishable under Sections 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 complainant mentally and physically due to non-fulfillment of demand of dowry. On 25.02.2024, the petitioner and the co-accused persons ousted her from the matrimonial home after snatching



her *stridhan*.

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 who is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. 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 two criminal antecedents as stated in para 3 of the bail petition.

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

6. 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, Motihari, East Champaran in connection with Complaint Case No. 1490/2024, subject to conditions as laid down under section 482(2) of the B.N.S.S, with further condition:-

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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