

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36022 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- SHAHKUND District- Bhagalpur

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AASHISH KUMAR SON OF NAKUL SAH R/O VILLAGE-
RADHANAGAR, P.O.- KISHANPUR AMKHORIYA, NATHNAGAR, P.S.-
SHAHKUND, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Madan Mohan, Adv.
For the informant	:	Md. Nazmul Hodda, Adv.
For the Opposite Party/s	:	Mr.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 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.

2. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Shahkund (Sajour) P.S. Case No. 17 of 2022 registered for the offences punishable u/s 498A read with section 34 of the Indian Penal Code and Section 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. 3 lakhs as dowry. It is further alleged that the accused persons threatened the informant that if the said demand was not fulfilled, they would solemnize the second marriage of the petitioner.

5. 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. 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 and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the matter was referred to the Mediation Centre to settle the dispute between the parties but as per the mediation report dated 02.02.2024, the mediation for amicable settlement between the parties has failed.

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, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 17 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates



*without reasonable cause, the bail bond of
the petitioner is liable to be cancelled.*

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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