

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41638 of 2025

Arising Out of PS. Case No.-1580 Year-2024 Thana- PHULWARISHARIF District- Patna

Manish Kumar Shri Lalu Prasad Village- Kachra, Post-Bhairiya, Police Station Baina, District Nalanda, at present I-495, Section Alfa-2, Greater Noida, U.P.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Patna High Court Patna.
2. Sahil Mahima Manish Kumar Kisan Colony, Police Station Phulwari, District Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Adv.
For the informant	:	Mr. Saket Aanand, Adv.
		Ms. Chaya Kirti, Adv.
		Mr. Ajay Kumar, Adv.
		Md. Danish Sami, Adv.
For the Opposite Party/s :		Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

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

2. The petitioner is apprehending his arrest in a case in connection with Phulwarisharif P.S. Case No. 1580/2024 dated 15.10.2025 registered for the offences punishable u/ss 498A, 341, 323, 504, 506 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 Rs. 10 lakhs as dowry.

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 divorce case was filed by the petitioner on 20.08.2024 bearing Divorce Case No. 1304/2024 (Annexure-P/2) and thereafter, as a counter blast of the above divorce case, the informant lodged the instant case against the petitioner and his family members. 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. 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 Mediation Centre to settle the dispute between the parties but as per the mediation report dated 03.09.2025, the mediation for amicable settlement between the parties has failed.

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, Patna in connection with Phulwarisharif P.S. Case No. 1580/2024, subject to conditions as laid down under section 482(2) of the B.N.S.S. 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.*

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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