

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45088 of 2025

Arising Out of PS. Case No.-53 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

Sanjay Kumar S/o Late Jagarnath Yadav, R/o- Village- Bada Bazar,
(Gadiyani), Ward No.- 10, P.S.- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pooja Kumari W/o Sanjay Kumar R/o vill - Bada Bazar, (Gadiyani), ward no. 10, P.s. - Madhubani, Distt.- Madhubani, At present D/o Kaushlendra Kumar Yadav, R/o vill- Madhepura, ward no. 18, Vidyapuri Mohalla, P.s.- Madhepura, Distt.- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeep Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-11-2025 Despite valid service of notice, no one appears on behalf of Opposite Party No. 2.

2. Heard learned counsel for the petitioner and the learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in a case in connection with Complaint Case No. 53 of 2021, dated 28.01.2021, registered for the offences punishable under Sections 323, 341, 379, 498A and 506 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry



Prohibition Act. However, cognizance has been taken under Sections 498A, 323, 341 and 506 of the IPC.

4. As per the prosecution case, the marriage of the complainant was solemnized with the petitioner on 10.02.2012 and the complainant's father spent total Rs. 21, 12,000/- for the said marriage. It is further alleged that after four years of marriage, the petitioner started demanding Rs. 10 lakh as dowry and then threatened that if the said demand was not met, then he would not keep the complainant with him and the petitioner and his family members started torturing the complainant. It is further alleged that on 25.01.2021, the petitioner and co-accused persons along with three unknown persons, variously armed, came to the door of the complainant and started abusing her and also snatched her golden chain.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. 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 498 A of the the Indian Penal Code 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 & Another* passed in **Criminal Appeal No (s). 2207 of 2023** arising out of **Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has one criminal antecedent in which he is on bail as stated at para 3 of the bail petition.

6. Learned counsel for the complainant as well as learned APP for the State has vehemently opposed the prayer for anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, in the event of his arrest / surrender before the learned Court below 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 learned 1st Additional District and Sessions Judge, SC/ST (PoA) Act, Madhepura, in connection with **Complaint Case No. 53 of**



2021, subject to conditions as laid down under Section 482(2) of the BNSS, on further condition:

(i) The petitioner is directed to remain physically present before the learned trial Court 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. This application stands allowed.

(Chandra Prakash Singh, J)

Shahnawaz/-

U		T	
---	--	---	--

