

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57883 of 2023

Arising Out of PS. Case No.-360 Year-2021 Thana- LAUKAHA District- Madhubani

BAHADUR SAH S/O LATE RAM THALA SAH R/O VILLAGE-
BISHANPUR, PS. LAUKHA, DIST. MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Rashmi Sharma, Adv.
For the informant	:	Mr. Arvind Kumar, Adv.
		Mr. Ashok Kumar, Adv.
For the Opposite Party/s :		Mr.Bharat Lal, APP

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

ORAL ORDER

4 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 Laukha P.S. Case No. 360 of 2021 registered for the offences punishable u/ss 498A, 341, 323, 504 read with Section 34 of the Indian Penal Code.

4. As per the prosecution case, on 22.11.2021, the petitioner who is the husband of the informant and the other co-



accused persons were cutting the paddy crop from the informant's land. When the informant protested, they abused and assaulted her. It is further alleged that the informant's husband lives with his first wife's children and does not provide food expenses to the informant and her children. They used to harass and beat them for two years back. He has also tried to sell her share of land.

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. There is no allegation of demand of dowry against the petitioner. 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.

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, Madhubani in connection with Laukha P.S. Case No. 360 of 2021, 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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