

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51767 of 2025

Arising Out of PS. Case No.-2118 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Birendra Mahto @ Virendra Kumar Son of Lalbahadur Mahato Resident of
village- Laxmipur, Ps- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nira Kumari Daughter of Dashrath Mahto village- Ijra tola Bhibharwa, Ps- Sangrampur, Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP
For the Informant/s : Mr. Suraj Kumar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-11-2025 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
connection with Trial No. 1804 of 2024 arising out of
Complaint Case No. 2118 of 2023 registered for the offence
punishable under Sections 498A of the I.P.C.

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.



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 one 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.

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 Trial No. 1804 of 2024 arising out of Complaint Case No. 2118 of 2023, subject to conditions as laid down under section 482(2) of the B.N.S.S., 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 bonds of the petitioner are 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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