

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59841 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- MAHILA PS District- Darbhanga

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Anand Kumar @ Gunjan Son of Late Arun Kumar @ Late Arjun Kumar
Resident of Chakand Near Railway Station P O P S-Chakand District- Gaya at
present residing at Chiraiyantand Devi Sthan PO- GPO PS- Kankarbag
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti, D/o Sunil Kumar Singh R/o mohalla Jurawan, p.o.- Lalbag , P.S.
Nagar , District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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

ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 37 of 2024 dated
01.05.2024 registered for the offences punishable under
Sections 341, 342, 323, 504, 506, 498A read with Section 34 of
the Indian Penal Code and Section 3/4 of 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
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 informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner and the informant filed a mutual divorce petition signed by both the parties before the learned Principal Judge, Family Court, Patna which was registered as Matrimonial Case No. 1144 of 2023. 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 has 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, Darbhanga in connection with Mahila P.S. Case No. 37 of 2024, subject to conditions as laid down under section 438(2) of the Cr.P.C.

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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