

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56635 of 2025

Arising Out of PS. Case No.-612 Year-2024 Thana- BAKHTIYARPUR District- Patna

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Sameer Sharad @ Samir Sharad S/o Late Sushil Kumar Mehta @ Sushil Mehta Village- Kalibari Road, Durga Asthan, Malighat Chowk, PS- Mithanpura, District- Muzaffarpur, Bihar (842001)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepmala Kumari W/o Sameer Sharad and D/o Jaykant Prasad R/o Mohalla- Kalibari Road, Durga Asthan, Malighat Chowk, PS- Mithanpura, PO- Ramna, Distt.- Muzaffarpur Presently residing at Mohalla- Purani Bazar, PO- Bakhtiyarpur, PS- Bakhtiyarpur, District - Patna, Bihar (803212)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Sinha, Adv
For the Opposite Party/s : Mr. Shyameshwar Dayal, 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 a case in connection with Bakhtiyarpur P.S. Case No. 612 of 2024 registered for the offence/s punishable u/s 126(2), 115(2), 85, 352 read with Section 3(5) of the B.N.S. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and the other co-accused persons are alleged to have tortured the informant mentally and physically due to non-fulfillment of demand of Rs. 10,00,000/- as dowry. It is further alleged that on



the pretext of taking her on a trip of Kolkata, the petitioner took the informant to Ranchi and admitted her in Ranchi, Kanke Mental Asylum.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the petitioner had filed a divorce petition bearing Matrimonial Case No. 156 of 2024 and in retaliation to the said divorce case, the informant has maliciously lodged the present FIR in order to harass and pressurize the petitioner and his family members. Learned counsel for 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 at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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 Bakhtiyarpur P.S. Case No. 612 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(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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