

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57284 of 2025

Arising Out of PS. Case No.-689 Year-2020 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Mohan Kumar S/o Late Manoj Kumar Singh @ Mohan Singh R/o Village-
Bahashi, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Archana Kumar W/o Mohan Kumar, D/o Ajay Kumar Singh Resident of- At
present- Village- Boaria, P.S.- Sarai, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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 Complaint Case No. 689 of 2020 registered for
the offence/s punishable u/s 498A and 323 of the Indian Penal
Code.

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

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 complainant. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner had filed a restitution petition bearing Case No. 95 of 2019, thereafter, he filed a Divorce Case bearing Matrimonial Case No. 325 of 2019, subsequently, the complainant also filed a Maintenance Case No. 107 of 2023 against the petitioner and all cases are pending before the Principle Judge, Family Court, Vaishali at Hajipur. 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, Vaishali at Hajipur, in connection with Complaint Case No. 689 of 2020, 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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