

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57189 of 2025

Arising Out of PS. Case No.-2279 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Nikhil Raj @ Nikhil Mishra son of Late Umesh Mishra R/o Village- Ijara PS
-Sangrampur District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Goldi Kumari Daughter of Suresh Mishra village- Dumra, Ps- Kotwa, Dist-
East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv

For the Opposite Party/s : Mr. Lalan Kumar, 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. 2279 of 2023 registered
for the offence/s punishable u/s 498A and 323 of the Indian
Penal Code 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
complainant mentally and physically due to non-fulfillment of
demand of a four-wheeler car 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. There is general and omnibus allegation against the petitioner. 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 and submitted that the matter was referred to Mediation Centre, East Champaran, to settle the dispute between the parties but as per the report of Mediation Centre, East Champaran, the matter could not be settled between the parties.

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, East Champaran, in connection with Complaint Case No. 2279 of 2023, 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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