

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61404 of 2025

Arising Out of PS. Case No.-401 Year-2024 Thana- KHAGAUL District- Patna

Prince Kumar S/o- Suresh Kumar Gupta @ Suresh Sah Village- Murgiyachak
Near Devi Asthan Kothawan Ps- Khagaul Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/O- Prince Kumar, R/o-Village-Kothwa (East Middle School), P.S.-Khagaul, Dist.-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Kumar, Adv.
For the Opposite Party/s :	Mr. Manoj Kumar, APP
For the Informant/s :	Mr. Anil Kumar Singh, Adv. Mr. Krishnakant Upadhyay, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-11-2025 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 Khagaul P.S. Case No. 401 of 2024 dated 09.11.2024 registered for the offence punishable under Sections 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 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 is innocent and 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 informant has earlier filed a complaint case against the petitioner and the co-accused persons bearing Complaint Case No. 1805C 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 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, Danapur, Patna in connection with Khagaul P.S. Case No. 401 of 2024, subject to conditions as laid down under section 482(2) of the Cr.P.C., 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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