

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68447 of 2025

Arising Out of PS. Case No.-3658 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Vivek Kumar S/O Shri Lalan Singh, R/O Village- Sahpur, Gaus @ Majia,
P.O- Baktama, P.S- Goraul, Pin- 844122, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rina Devi W/O Vivek Kumar, D/O Satyendra Prasad Singh, R/O Village-
Sahpur, Gaus @ Majia, P.O- Baktama, P.S- Goraul, Pin- 844122, Distt.-
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate Mr. Sushil Ranjan Sinha, Advocate Mr. Rajeev Nayan, Advocate
For the Opposite Party/s :		Mr. Abhay 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, learned
counsel for the informant/complainant and the learned A.P.P. for
the State.

2. The petitioner is apprehending his arrest in a
case in connection with Complainant Case No. 3658(C) of
2022, registered for the offence punishable under Section 498A
of the Indian Penal Code.

3. As per the prosecution case, the complainant's
marriage was solemnized with the petitioner in the year 2006. It
is further alleged that all the co-accused persons tortured and



abused the complainant due to non-fulfillment of demand of Rs. 5 lakh cash as dowry. It is further alleged that the petitioner has eloped with another woman namely, Putul Kumari.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. The allegation levelled in the complaint petition is false and fabricated and the petitioner has not committed any such offence as alleged in the complaint petition. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. 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 498 A of the the Indian Penal Code 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 & Another*** passed in **Criminal Appeal No (s). 2207 of 2023** arising out of **Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has



got one criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant/complainant as well as learned APP for the State has vehemently opposed the prayer for anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioner, let the petitioner named-above, in the event of his arrest / surrender before the learned Court below 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 learned Additional Chief Judicial Magistrate-I, Hajipur, Vaishali, in connection with **Complainant Case No. 3658(C) of 2022**, subject to conditions as laid down under Section 482(2) of the BNSS, on further condition:

(i) The petitioner is directed to remain physically present before the learned trial Court 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. This application stands allowed.

(Chandra Prakash Singh, J)

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