

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74123 of 2025

Arising Out of PS. Case No.-28 Year-2024 Thana- Mahila District- Arwal

Vidya Bhaskar Mishra @ Vidya Bhaskar S/o Radha Krishna Mishra, Resident of Village- New Mubarakpur, P.S.- Kurtha, Dist.- Arwal, Bihar.

... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Chandani Kumari W/O Vidya Bhaskar Mishra @ Vidya Bhaskar, D/O Shivkant Pandey R/O Vill. and P.O.- Jarkha, P.S.- Sigodhi, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nazia Shabah, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in a case in connection with Mahila P.S. Case No. 28 of 2024 dated 19.10.2024, registered for the offences punishable under Sections 85, 115(2), 126 and 351(3) read with Section 3(5) of the Indian Penal Code and under Section 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and co-accused persons are alleged to have tortured the Opposite Party No. 2 mentally and physically due to non-fulfillment of demand of Innova vehicle as dowry.



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 informant. The allegation levelled in the FIR is false and fabricated and the petitioner has not committed any such offence as alleged in the FIR. The petitioner has filed a Matrimonial case no. 144 of 2024 against the informant in which notice has been issued on 05.09.2024 against the informant / Opposite Party No. 2 for her appearance and after receiving the said notice, she has lodged this false case against the petitioner merely to harass the petitioner and his family members. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence and he is ready to settle all the disputes with the informant. 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 no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant 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 Sub-Divisional Judicial Magistrate, Arwal, in connection with **Mahila P.S. Case No. 28 of 2024**, 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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