

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75136 of 2025

Arising Out of PS. Case No.-2502 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Mukesh Kumar Kushwaha S/O Shambhu Saran Kushwaha R/O Village-
Khadda Kunjalahi, Ward no. 9, P.S- Nautan, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anju Kumari D/O Sri Dilan Prasad @ Surendra Prasad R/O Pandey Tola,
Ward No. 16, P.S- Nautan, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gyan Prakash

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-11-2025 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 Bettiah Complaint Case No. 2502C of 2022
dated 05.11.2022 registered for the offence/s punishable u/s
498A, 323 and 504 of the Indian Penal Code and $\frac{3}{4}$ of the DP
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 Rs.
three lakhs 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 informant. The petitioner neither demanded any dowry nor tortured the informant. 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 counsel for the informant as well as 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 as well as the allegation being general and omnibus, 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, West Champaran, Bettiah in connection with Bettiah Complaint Case No. 2502C of 2022, subject to conditions as laid down under section 482(2) of the BNSS.

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)

guddukr/-

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