

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75281 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- COMPLAINT CASE-ARWAL District-
Arwal

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Raushan Chaudhary @ Raushan Kumar S/o- Sri Kedar Nath Chaudhary
Resident of Village- Tika Bigha Bhojwar Po and Ps- Bodhgaya District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Reshmi Kumari W/o- Raushan Chaudhary @ Raushan Kumar, D/o- Late Antu Chaudhary R/v- Tikka Bigha Bhojwar Bagicha Po Ps- Bodhgaya Dist- Gaya, A/p- Gram Sablak Saray Po- Pinjrawan Ps- Kurta Dist- Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nishikant
For the Opposite Party/s : Mr.Ahmad Ali

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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 Complaint Case No. 218 of 2024 dated 01.08.2024 registered for the offence/s punishable u/ss 85, 115, 352, 303, 109 of the BNS, cognizance has been taken u/ss 498A, 379, 323 read with section 34 of the IPC.

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 a buffalo and Rs. two 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 A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that the petitioner contracted second marriage with another person.

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, Arwal in connection with Complaint Case No. 218 of 2024, subject to conditions as laid down under section 482(2) of the BNSS, 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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