

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80137 of 2025

Arising Out of PS. Case No.-1271 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Amardeep Kumar @ Amardeep Kumar Bhagat S/o Lalan Prasad Bhagat R/o vill - Rahman Chauk Gangjala Saharsa Beside Dr. Brajesh Kumar (House owner Laxman Mishra), P.s.- Saharsa Sadar, Distt.- Saharsa, Permanent R/o Bakhtiyarpur Dakghar Gali ward no. 11, P.S.- Simri Bakhtiyarpur, Distt.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rupa Kumari D/o Dinanath Bhagat, W/o Amardeep Kumar R/o Rahman Chauk Beside Dr. Brajesh Kumar (House Owner Laxman Mishra), Gangjala, P.S. and Distt.- Saharsa, Permanent R/o Bakhtiyarpur Dakghar Gali, ward no. 11, P.S. - Bakhtiyarpur, Distt.- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Nath Jha, Adv.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-12-2025 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. 1271 of 2023 registered for the offences punishable u/ss 498A, 323, 324, 504 read with section 34 of the Indian Penal Code and Sections 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. It is further alleged that the accused persons also tried to kill her by pouring kerosene on her body but she managed to save herself.



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. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant. The cognizance of the offence u/s 498(A) of the I.P.C. and u/s 3/4 of the D.P. Act have been taken against the petitioner on 29.01.2024. 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 in para 3 of the bail petition.

5. Learned A.P.P. for the State has 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, Saharsa in connection with Complaint Case No. 1271C/2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure 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 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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