

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15406 of 2017

Arising Out of PS.Case No. -2135 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Dilip Baitha @ Bipin Baitha, Son of Sri Prabhu Baitha, Resident of Village-
Amolwa, P.S.-Gaunaha, District-West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Shiv Dulari Devi Wife of Dilip Baitha @ Bipin Baitha, Daughter of Sri Kashi Baitha, Resident of Village-Balua, P.S.-Gaunaha, District-West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.
For the State : Mr. Sri Khurshid Anwar, A.P.P.
For the O.P. No. 2 : Mr. Ram Kishun Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 08-01-2018

Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A) of the IPC and 4 of the D. P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfillment of demand of dowry.

Vide order dated 30.08.2017, the matter was referred to the Patna High Court Mediation and Reconciliation Centre. As per the report of the Mediator, the mediation has failed.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner has further 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.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Bettiah, West Champaran, in connection with S.C. No. 1039 of 2016, arising out of 2135-C of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)