

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22871 of 2017

Arising Out of PS. Case No.-331 Year-2016 Thana- MAHILA P.S. District- Bhojpur

Abhishek Kumar Singh S/o Ram Ranjan Singh, Resident of Quarter No. 1247/D, Manas Nagar Colony, Mugalsarai, P.S.- Mugalsarai, District- Chandauli (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anuradha Singh W/o Abhishek Kumar Singh D/o Vinay Kumar Singh, Resident of M.M.P. Bagh, Ara, Near Ram Laxmi Palace, Aryasamaj, P.S. Ara (Town), District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh
For the Opposite Party/s : Mr. SRI AKHILESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 19-02-2018 The matter was referred to the Mediation Centre by order dated 06.06.2017.

As per the first report (at Flag-B) submitted by the Mediator, the matter was settled between the parties where they decided to separate. Further, it has been pointed out that as a final alimony, Rs. 12 lakhs was agreed on behalf of the petitioner to pay to O.P. No. 2.

When the matter was taken up, learned counsel for the petitioner expressed his helplessness in making the payment of the final alimony amount due to personal reasons as no partition had taken place in the family of the petitioner due to which the property in question could not be put on sale.



At the request of the parties, the matter was again referred to the Mediation Centre by order dated 13.12.2017.

It has been reported by the Mediator that the mediation has failed.

Heard learned counsel for the petitioner, learned APP for the State and the learned counsel for the O.P. No. 2.

The petitioner is apprehending his arrest in a case registered under Section 498A, 406, 504/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. 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.*

On behalf of the State, it is submitted that the



petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned S.D.J.M., Bhojpur at Ara in connection with Mahila P.S. Case No. 331 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Any how, the O.P. No. 2 will be at liberty to pursue the matter before the concerned Family Court.

(Sudhir Singh, J)

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