

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62356 of 2018

Arising Out of PS.Case No. -132 Year- 2018 Thana -GARKHA District- SARAN

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Vivek Singh, S/o Shailendra Singh, R/o Vill.- Mobarakpur, P.S.- Manjhi,
Distt.- Saran, at present International City, (K.V.I.C.), House No. B/3/10
near Salop Morh, P.S.- Domjhur, Howrah (West Bengal).

.... Petitioner

Versus

1. The State of Bihar.
2. Shalni Singh, W/o Vivek Singh, R/o Vill.- Mobarakpur, P.S.- Manjhi,
Distt.- Saran, at present D/o Sunil Kumar Singh, Vill.- Jalalvasant, P.S.-
Garkha, District- Saran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate.
For the State : Smt. Pronati Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-11-2018 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 323, 313, 384, 392, 498(A),
504 and 506/34 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry. Once, they threw her on the
ground and the petitioner assaulted on her abdomen with feet
having knowledge that she was carrying pregnancy. Others



assaulted her with fists and slaps. They had also taken her Adhar Card, Voter I.D. and obtained her signatures on several plain papers.

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. There is no medical examination report in respect of offence under Section 313 of the I.P.C. Hence, no offence under Section 313 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. 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 A.C.J.M.-II, Saran at Chapra, in connection with Garkha P.S. Case No. 132 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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.

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(Sudhir Singh, J)

