

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52988 of 2018

Arising Out of PS.Case No. -379 Year- 2017 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Pawan Kumar Son of Shivji Saw Resident of Village: Nagarnausa, P.S. Nagarnausa, District- Nalanda, at Present Khemnichak (Jank Comunity Hall, Fulmanti Plot) P.S. Ramkrishna Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sudha Kumari Daughter of Naresh Sao Resident of Village: Maniyarganj, P.S. Makhdumpur, District- Jehanabad, Wife of Pawan Kumar, Resident of Village +P.S. Nagaurnausa, District- Nalanda at Present: Jung Bahadur Singh, Market, Near Mangal Chowk, Khemnichak, Janak Comunity Hall, Fulmatti Plot, P.S. Ramkrishna Nagar, Disttrict- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner, O.P. No. 2 and learned APP for the State.

The petitioner is apprehending his arrest in a case initially registered under Sections 120(B), 323, 341, 379, 498A of the Indian Penal Code but later on, cognizance has been taken only under Sections-498A, 323, 504 of the Indian Penal Code.

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

It has been submitted on behalf of the petitioner that 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 and O.P. No. 2, 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 Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 379 of 2017, 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.

(Sudhir Singh, J)

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