

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62397 of 2018

Arising Out of PS.Case No. -1007 Year- 2017 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Vikram Kumar, S/o Prem Kumar Mochi, Aged about 32 years Resident of
Bhawanipur Colony, Stadium Chowk, Bhachchhi, Ward No. 6, P.S. &
District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. Archana Kumari, D/O Vinay Kumar Ravidas, Resident-Kanauli, P.S.
Khazajouli, District Madhubani.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate.
For the State : Mr. Ram Sumiran Roy, A.P.P.
For the O.P. No. 2 : Mr. Satendra Pd. Singh and Mr. Ravi Kumar
Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-10-2018 A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on record.

Learned counsel for the petitioner is permitted to
incorporate the statement as made in supplementary affidavit as
paragraph no. 3 to the bail application and subsequently correct
the paragraph numbers of the bail application, in course of the day.

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), 313 of the IPC and 3/4 of the D.P. Act.

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

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent as stated in supplementary affidavit. 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 S.D.J.M. Madhubani , in connection with Madhubani Complaint Case No. 1007/2017, corresponding to T.R. No. 2813 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.

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(Sudhir Singh, J)

