

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7846 of 2018

Arising Out of PS.Case No. -513 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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Sandep Kumar Baitha, Son of Bairister Baitha, resident of Village-Banjari, Ward No.12, P.S.-Gopalganj (Town), Distt.-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Sunita Kumari, Wife of Sandep Kumar Baitha, daughter of Suresh Baitha, resident of Village-Banjari, Ward No.12, P.S.-Gopalganj (Town), Distt.-Gopalganj. Presently resident of Mohalla-Adarsh Nagar Mahadewa, Dist.-Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner : M/S. Nityanand Tiwari, Anirudh Kumar Verma and Vyas Kumar Mishra, Advocates.

For the State : Mr. Jai Narain Thakur, A.P.P.

For the O.P. No. 2 : Mrs. Madhuri Lata, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-03-2018 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)/34 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.

Vide order dated 08.02.2018, the matter was



adjourned for filing joint affidavit on behalf of the parties in respect of one time settlement. Today, it has been submitted by learned counsels for the parties that the settlement could not be arrived between the parties and the same 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 case is 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. Siwan, in



connection with Siwan (M) P.S. Case No. 513 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The opposite party no. 2, if so advised, may approach before the competent authority/court for redressal of her grievances, if any.

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(Sudhir Singh, J)

