

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62506 of 2017

Arising Out of PS. Case No.-543 Year-2017 Thana- KOTWALI District- Patna

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Rishek Magadh, son of Sri Chitranjan Kumar Singh, Resident of Mohalla Gorakh Nath Compound, East Boring Canal Road, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anuradha Singh, daughter of Durga Nand Singh, Resident of Survey No. 29/1/22, R.K. Puram, S.O.- Mujwa Basti, Pune-15 (Maharashtra). & Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh
For the State	:	Mr. DAMODAR PRASAD TIWARY
For O.P. No. 2	:	Mrs. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No. 2.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 504, 506, 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 on earlier occasion, a reconciliation process was taken up but the same had failed and a case was instituted by O.P. No. 2 for offences under Sections 341, 323, 325 and 34 of the Indian



Penal Code. Today also, an offer was made to the parties for making one time settlement but the same has failed. 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 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 O.P. No. 2 and the Counsel for the State, it has been submitted that the petitioner is named in the F.I.R. and he is the husband of the victim. The offers made by the counsel for the petitioner for the purpose of one time settlement is not acceptable to the O.P. No. 2.

Such facts are disputed facts and it cannot be decided in the present application. The learned Sessions Judge has also recorded that both the spouse are not agreed to restore the matrimonial relation.

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, Patna in connection with Patna Kotwali P.S. Case No. 543 of 2017 (G.R. Case No. 6623 of 2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The O.P. No. 2 will be at liberty to approach to the Family Court for the redressal of her grievances, if so advised.

(Sudhir Singh, J)

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