

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57923 of 2018

Arising Out of PS. Case No.-557 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Sanjiv Singh S/o Jagdish Singh resident of Village - Aakopur Badhai Tola,
P.S. Siwan (Muffasil), District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Suman Devi wife of Sanjiv Singh resident of Village - Aakopur, Badhai Tola,
P.S. Mahadeva, District - Siwan, at present resident of Bahora Tola, P.S.
Majhagarh, District - Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh
For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No. 2.

A supplementary affidavit has been filed on behalf of
the petitioner which is kept on record.

The petitioner is apprehending his arrest in a case
registered under Section 498A of the Indian Penal Code and ¾
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
the petitioner was granted provisional bail vide order dated



8.1.2018 by the Court below. In pursuance to the said order, the petitioner had never furnished the bail bond before the Court below. Under the wrong impression, the earlier anticipatory bail application was withdrawn on the ground of maintainability vide order dated 11.4.2018 passed in Cr. Misc. No. 18994 of 2018. It has further been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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, it is submitted that the petitioner is named in the Complaint Case.

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 S.D.J.M.,



Gopalganj in connection with Complaint Case No. 557/17, Trial No. 3448/17, 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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