

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59849 of 2018

Arising Out of PS.Case No. -310 Year- 2018 Thana -BRAHMPUR District- BUXAR

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Vikash Kumar Verma, S/Osri Krishna Kumar Verma @ Krishna Kumar Verma, R/V- Brahampur, P.S. Brahampur, District-Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. Khusi Soni, D/O Ramesh Prasad Gupta, R/V- Chandawa More Ara, P.S. Ara Nawadah, District-Bhojpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the State : Mr. Narendra Kumar Singh, A.P.P.

For the O.P. No. 2 : M/S. Digvijay Kumar Ojha and Kamal Kishore Sinha, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-09-2018 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), 323, 307, 504/34 of the IPC and ¾ 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. 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. Nature of injury as per Annexure-2 to the present application, is said to be simple. Hence, no offence under Section 307 of the IPC is made out. Except for offence under Section 307 of the IPC, 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 C.J.M. Buxar, in connection with Brahampur P.S. Case No. 310 of 2018, 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)

