

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26910 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- SHRI NAGAR District- Madhepura

MANISH KUMAR, aged about 25 years, Gender-Male, Son of Sri Dharendra Singh, Resident of Village - Israin, P.S.- Srinagar, District – Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Shailendra Kumar Singh, Advocate.
For the State	:	Mr.Ram Naresh Ray, A.P.P.
For the Informant	:	Mr. Rana Baljit Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 11-09-2019 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner was granted provisional bail on 24.04.2019 in a case for the offence registered under Sections 498(A), 379, 366(A)/34 of the IPC and $\frac{3}{4}$ of the D. P. Act.

The prosecution story, in brief, is that on 18.01.2019 Khushboo Kumari, elder daughter of the informant, was married with this petitioner. On 21.01.2019, the petitioner took *Bidagari* of his elder daughter Khushboo Kumari alongwith his younger daughter Nitu Kumari on promise to return Nitu Kumari after 4-5 days but on the same day, petitioner brought Khushboo Kumari to the informant's house but Nitu Kumari was not brought to his house. On enquiry, he said that Nitu Kumari



would be brought here within two hours and thereafter he went to his village. On enquiry, Khushboo Kumari said that her ornaments have been retained by her in-laws and they also demanded Rs. 5,00,000/- as dowry. Upon which, he suspected that his younger daughter Nitu Kumari would be kidnapped and when he went to the house of the petitioner, he did not find his younger daughter Nitu Kumari. A *panchayati* was held in which his mother said that Manish Kumar (petitioner) and Nitu Kumari had gone to some where else which was not known to her.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Except for offence under Section 366(A) of the IPC, other 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. The petitioner was shown the younger daughter of the informant for the purpose of marriage but the marriage was performed with



the elder daughter of the informant who is said to be mentally weak. The said act on the part of the informant and the family members was not accepted by the petitioner.

The matter was referred to the Mediation and Conciliation Centre of the Patna High Court on 28.06.2019. As per the report of Mediator dated 23.07.2019, mediation has failed.

Learned counsel for the informant admits that the elder daughter of the informant Khushboo Kumari is not ready to stay with this petitioner.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner on 24.04.2019 in connection with Srinagar P.S. Case No. 07 of 2019, pending in the court of learned A.C.J.M.-III, Madhepura is hereby confirmed.

(Sudhir Singh, J)

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