

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81252 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- MAHILA PS District- East Champaran

ARVIND KUMAR Son of Late Bhukhal Pandit Resident of Village - Rajepur,
P.S.- Govindganj, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manorma Kumari Wife of Arvind Kumar Resident of Village - Rajepur, P.S.-
Govindganj, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal
For the informant	:	Mr. Patanjali Rishi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case registered under Sections 342, 323, 307, 313, 494, 34 of the Indian Penal Code, 22(i), 23(i)(iii)(iii) of Preconception Pre Natle Sex Selection Determination and Regulation Act, 2001 (The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994) and 3 and 4 of D.P. Act.

The prosecution allegation, in short, is of committing torture and assault upon the victim due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. On the earlier occasion also, the victim and her family members have instituted case for similar offence against the petitioner and his family members. The said matter was compromised. Thereafter again the present case was instituted against him. There is no medical evidence to show that the miscarriage was committed at the instance of the petitioner. Hence, no offence under section 313 IPC is made out. There is no injury report to show that any offence under section 307 IPC is made out.

On behalf of the State, it is 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/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, East Champaran at Motihari in connection with Mahila P.S. Case No. 28 of 2019, 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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