

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16435 of 2020

Arising Out of PS. Case No.-2483 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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RAHUL KUMAR, Male, aged about 20 years, Son of Sri Nath Bhagat,
Resident of Village - Khajuriya, P.S. - Govindganj, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shobha Devi, Female, aged about 40 years, Daughter of Late Aas Narayan Mahto, Resident of Village-Chailahan Mauja, P.S.- Banjariya, District - East Champaran at present Mohalla Agarwa, in the lane of Dr. Rakesh Kumar, Ward No. 31, In front of Sadar Hospital, Motihari, P.S.- Motihari Town, District - East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate.
For the State : Mrs. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court Proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) of the I.P.C. and ³/₄
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 falsely been implicated in the present case due to petty family dispute. The present prosecution case has been brought on the basis of complaint case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. Earlier a case was also filed by the informant against the petitioner for the similar offence. The case is 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 counsel for the State, 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 twelve 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.,



Motihari, in connection with Trial No. 2377/2019, arising out of Complaint Case No. 2483/2018, 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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

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