

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23215 of 2020

Arising Out of PS. Case No.-349 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MITHILESH KUMAR PANDEY @ MITHILESH PANDEY @ MUNNA
SIPAH @ MUNNA Son of Late Chhotan Pandey Village-Sonhar, P.S.-
Shivsagar, District-Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nisha Kumari W/o Mithilesh Pandey @ Mithilesh Kumar Pandey @ Munna
Sipahi @ Munna Resident of Village-Sonhar, P.S.-Shivsagar, District-Rohtas
at present residing at C/o Shashibhusan Dubey (Father), Village-Bel Road
Obra, P.S.-Obra, District-Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Nityanand Tiwary, APP
For opposite party No.2	:	Mr. Rajiv Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2020 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.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case



registered under Sections 498A/34 of the Indian Penal Code and 4 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 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 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.

It has further been submitted on behalf of the petitioner that the petitioner will deposit the maintenance amount each and every month in the court below as directed by the Family Court. The said amount deposited by the petitioner in pursuance of the order of the Family Court shall be released by the court below in favour of the complainant.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.



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 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 learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Complaint case No.349 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. 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)

Narendra/-

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