

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23174 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- MAHILA PS District- East Champaran

SIDDHARTH KUMAR MISHRA Son of Safal Kumar Mishra Resident of Mahatma Gandhi Marg, Ward No.16, Narkatiyaganj, P.S.-Shikarpur, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Wife of Siddharth Kumar Mishra presently residing with her father Sri Marbadeshwar Dwivedi, Resident of Mohalla-Anandpuri Belbanwa, P.S-Motihari Town, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abhay Shankar Singh, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For opposite party No.2	:	Mr. Saket Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2020 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 341, 323, 504, 406, 498A, 354(A),



354(B) of the Indian Penal Code and $\frac{3}{4}$ 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. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 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.

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 eight 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 C.J.M., East



Champaran, Motihari in connection with Mahila P.S. case No.05 of 2020, 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.

The opposite party No.2 will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

Narendra/-

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