

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52011 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- MAHILA PS District- East Champaran

SANDEEP KUMAR, aged about 24 years (M), Son of Rameshwar Prasad,
Resident of Village - Yadopur, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Devi, Daughter of Vinod Bhagat, Resident of Village - Madhopur, P.S.-
Sugauli, District - East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Umesh Chandra Verma and Mrs. Rashmi Jha, Advocates.
For the State	:	Mr. Choubey Jawahar, A.P.P.
For the O.P. No. 2	:	Mr. Avinash, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 12-06-2020 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 counsels for the petitioner, opposite
party no. 2 and learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 342, 323, 506, 312,
313, 509, 498(A)/34 of the IPC 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.



Vide order dated 25.11.2019, earlier the matter was referred to the Mediation Centre, Patna High Court Legal Services Committee. The report of the Mediator is kept on record at Flag-'A'. It appears from the report of the Mediator that the mediation has failed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. There is no medical examination report in respect of offences under Sections 312 and 313 of the I.P.C. Rests of the 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) P.L.J.R. 182.

On behalf of the State and opposite party no. 2, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a



period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with Mahila P.S. Case No. 09 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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