

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75465 of 2019**

Arising Out of PS. Case No.-1040 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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ASHWANI KUMAR, aged about 42 years (Male), Son of Basant Lal Chaudhary, Resident of Village-Banaulia, P.S.-Bihar, District-Nalanda.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rubi Kumari, W/O Ashwani Kumar, resident of Mohalla- Banaulia, P.S.- Bihar, Dist-Nalanda, at present-D/o- Suresh Choudhary, R/o Vill- Hariharpur, P.S.- Harnaut, Dist- Nalanda.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Premchandra Yadav, Advocate.
For the State	:	Mr.Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 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.

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

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), 406, 323, 341 of the I.P.C. in which cognizance has been taken under Sections



323, 498(A) of the I.P.C. and $\frac{3}{4}$ 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 got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The present prosecution has been brought on the basis of complaint case. The petitioner is the husband of the victim. All 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) 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., Nalanda at Biharsharif, in connection with Complaint Case No. 1040 (C)/2017, 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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