

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.82142 of 2019

Arising Out of PS. Case No.-1411 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

BHUWAR CHAUDHARY, aged about 25 years, Male, Son of Hira Chaudhary Resident of Village-Kushaha Tola, Police Station-Dhangai, District-Bhojpur ... Petitioner

Versus

1. The State of Bihar
 2. Neha Devi, W/o Bhuwar Chaudhary, D/o Dindayal Chaudhary, At Present Resident of Village - Bahura, P.S.- Jagdishpur, Distt.- Bhojpur. Permanent R/o Village - Kushaha Tola, P.S.- Dhangai, Dist.- Bhojpur
- ... Opposite Parties

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Adv.
For the State : Mr. Nitya Nand Tiwary, APP
For O.P. No. 2 : Mr. Pramatma Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 25-06-2020

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1411(C) of 2017, pending in the Court of the Subdivisional Judicial Magistrate Bhojpur at Ara, registered under Sections 498A, 379, 323 and 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is of torturing of complainant by her husband and in-laws, due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that while on the prayer of the learned counsel for the petitioner and learned counsel for opposite party no. 2, the matter was referred to Patna High Court Mediation Center, but, due to some unavoidable circumstances the petitioner could not appear, due to that reason the matter could not be settled between the petitioner and opposite party no. 2, who are



husband and wife.

Learned counsel for opposite party no. 2 submits that while at the instance of the petitioner the matter was referred before the Patna High Court Mediation Center for mediation, but, the petitioner did not take the pain to appear before the Center while before the Center case was adjourned on three days. In fact, the petitioner is avoiding in disposing of the case because of order of no coercive step has already been passed.

The report of the Mediator, which is at flag 'B' shows three dates were given, but, the petitioner did not appear before the Center.

Having regard to the facts and circumstances of the case, the interim order, dated 06.01.2019, is vacated and I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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