

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11848 of 2021**

Arising Out of PS. Case No.-676 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

RAJIV MANDAL Son of Mansar Mandal Resident of Village- Bidua, Police
Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SONAM KUMARI W/o Rajiv Mandal , D/o Nagendra Mandal R/o Village -
Kathotiya, Police Station - Haveli Kharagpur, District - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-04-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 307, 323, 354, 498A of the Indian Penal
Code and $\frac{3}{4}$ of Dowry Prohibition Act, but the cognizance has been
taken under Sections 323, 341, 498A of I.P.C. 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. Cognizance has been taken under Sections 323, 341, 498A of I.P.C. and Sections 3/4 of Dowry Prohibition Act. 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.

On behalf of the State, 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 six 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, Munger in connection with Complaint case No.676C of 2019, 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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