

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12817 of 2021

Arising Out of PS. Case No.-2473 Year-2019 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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ABHINAV CHOUDHARY, aged about 29 years, Gender-Male, Son of Shri Avai Kumar, Resident of Village-Ratanpur, P.O.- Jagdishparan, P.S.- Chakmehsi, Dist.- Samastipur at Present residing at Qtr. No.695, Sector-12, R.K. Puram, P.O. and P.S.- R.K. Puram- Sec12, Dist.- South West Delhi, New Delhi, Pin Code.-110022

... .. Petitioner

Versus

1. THE STATE OF BIHAR.
2. Chanda Kumari, W/o Abhinav Choudhary, Resident of Village - Gopalpur Baghnagri, P.O.- Jagdishpur Baghnagri, P.S.- Sakri, Dist.- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Mayank Rukhaiyar, Advocate.
For the State : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A), 323, 307, 354(A), 504, 506 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act in which cognizance has been taken under Sections 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 petitioner is the husband of the victim. The case is 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 of the case, 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/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., East, Muzaffarpur, in connection with Complaint Case No. 2473/2019, Trial No. 3284/2019, 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.

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)

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