

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2895 of 2020

Arising Out of PS. Case No.-154 Year-2017 Thana- BARAULI District- Gopalganj

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MANISH KUMAR UPADHYAY Son of Late Surendra Upadhyay Resident
of Village - Devapur, P.S. - Barauli, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi Wife of Manish Kumar Upadhyay Resident of Village - Devapur,
P.S. - Barauli, District - Gopalganj. at present address - Daughter of Sanjay
Tiwari, resident of village - Bhdakuiya Tiwari Tola, Ward No. - 7, P.S. -
Barauli, District - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Pankaj Kumar Dubey, Advocate
For the Sate	:	Mrs.Shaheen Begum, APP
For opposite party No.2	:	Mr.Harendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2021 The present application has been filed on 17.01.2020.

Vide order dated 28.02.2020, the matter was referred to the
Mediation Centre, Patna High Court by a Co-ordinate Bench of
this Court. As per the office note dated 15.06.2020, it has been
reported that the Mediator's report has not been received as yet.

It has been pointed out on behalf of the petitioner that
due to Covid-19 pandemic, the Mediation Centre, Patna High
Court is not functioning. Hence, Counsel for the petitioner
submits that the application be heard on merit since it has been
pending for more than one and half years.

Heard learned counsel for the petitioner, learned APP



for the State and learned counsel for the opposite party No.2 through virtual mode.

The petitioner is apprehending his arrest in connection with Trial No.2045/2019 arising out of Barauli P.S. case No.154/2017 registered under Sections 498A, 341, 323, 406/34 of the Indian Penal Code 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. 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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gopalganj in connection with Trial No.2045/2019 arising out of Barauli P.S. case No.154/2017, 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)

Narendra/-

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