

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14905 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Siwan

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1. Rupesh S/O Vijay Lal Srivastava Resident Of Village Gyaspur, P.S-Siswan, District-Siwan.
 2. Vijay Lal Srivastava @ Vijay Kumar Prasad @ Vijay Srivastava S/O Late Kailash Lal Shrivastava Resident Of Village Gyaspur, P.S-Siswan, District-Siwan.
 3. Rohit Srivastava @ Pintu S/O Vijay Lal Srivastava Resident Of Village Gyaspur, P.S-Siswan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Srivastava, wife of Rupes, resident of village Gyaspur, P.S. Siswan, District Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the Opposite Party/s : Smt. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 498A/313 of the Indian Penal Code and ³/₄ of Dowry Prohibition Act.

Allegation against the accused persons including the petitioners is of committing torture upon the victim due to non-

fulfilment of demand of dowry. The victim also lost her three months pregnancy due to assault by the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is no medical evidence in support of the offence under Section 313 I.P.C. Except for offence under Section 313 I.P.C., rest of the offences are triable by the Magistrate. The petitioner No.1 is husband, petitioner No.2 is father-in-law and petitioner No.3 is brother-in-law of the victim. The petitioners have 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 petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, 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 their personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Siwan in connection

with Siwan Mahila P.S. case No.15 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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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