

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4548 of 2020

Arising Out of PS. Case No.-2871 Year-2018 Thana- COMPLAINT CASE District- Araria

UPENDRA YADAV S/o Late Hira Lal Yadav R/o village- Anchara,
Anchraand, Hanuman Nagar, Ward No. 5, P.S.- Fulkaha, District- Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sulekha Devi W/o Upendra Yadav, D/o Late Janardan Yadav At present Resident at village- Pratapnagar, P.S.- Chhatapur, District- Supaul. Permanent R/o village- Anchara, P.S.- Fulkaha, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
For the Opposite Party/s	:	Mr.Nagendra Prasad, APP
For O.P. No. 2	:	None

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

11 26-11-2021 It has been submitted on behalf of the petitioner that the present application is pending since 22.01.2020 i.e. for one year and 10 months. Vide order dated 23.01.2020, notice was issued to O.P. No. 2 which was validly served on O.P. No. 2 (vide service report kept at Flag-B) but none appears on behalf of O.P. No. 2.

Learned counsel for the petitioner submits that let this matter be disposed of on merit.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 498A of the Indian Penal Code and ³/₄



of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfillment 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 due to petty family dispute. 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.

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 twelve 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 S.D.J.M., Araria in connection with Complaint Case No. 2871C/2018, 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.

(Sudhir Singh, J)

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