

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21482 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- MAHILA P.S. District- Vaishali

=====

Rajiv Kumar Son Of Nand Kishore Prasad R/O Village- Malighat, Sundar
Bagh Street No.1, Ward No.41, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Wife Of Rajiv Kumar, D/O- Late Prabhu Prasad Gupta A/P
R/O Village- Chak Barua, P.S.- Raja Pakar, District- Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

Counsel for the petitioner 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.

Further, counsel for the petitioner is permitted to
make necessary correction in the address column of the
petitioner of the bail application.

The petitioner is apprehending his arrest in a case
registered under Sections 498A, 494, 341, 323/34 of the Indian
Penal Code and ¾ 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 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. After the institution of the present case, one more case was instituted by the informant for similar offence. The informant is in habit of instituting such cases against the petitioner and his family members. 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 facts and circumstances of the case and also the lockdown, 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 his personal bond to the satisfaction of learned S.D.J.M., Vaishali, Hajipur in connection with Mahila P.S. case No.35 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 petitioner shall 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/-

U		T	
---	--	---	--