

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10782 of 2020

Arising Out of PS. Case No.-328 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

VIDYANAND PASWAN S/o Nand Paswan @ Nityanand Paswan Resident of
Village- Haflaganj, Balu Tola, P.S.- Muffasil, Distt- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manita Devi W/o Vidyanand Paswan, D/o Ghanshyam Paswan Resident of
Village- Haflaganj, Balu Tola, P.S.- Muffasil, Distt- Katihar, presently
resided at Navgachhiya, Bilal Tola, P.S.- Navgachhiya, Distt- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mrs.Anita Kumari,APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

7 01-09-2021

Re. I.A. No. 1 of 2021

The present interlocutory application has been filed on behalf of the petitioner showing jointness of O.P. No. 2 with her brother.

It has been stated that as per the service report, notice is said to have been received by the brother of O.P. No. 2 and in the light of the said service report, it has been stated in the interlocutory application that O.P. No. 2 lives with her brother and as such, the receipt of notice by the brother is treated to be valid service.

Considering the fact that the O.P. No. 2 and her brother are in jointness, the present interlocutory application is allowed. Service upon O.P. No. 2 is declared to be valid.



Cr. Misc. No. 10782 of 2020

Heard learned counsel for the petitioner and learned APP for the State through virtual mode. None appears on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case registered under Sections 498(A), 323, 354, 504 and 506 of the Indian Penal Code.

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 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 F.I.R.

Considering the aforesaid facts and circumstances, 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 his personal bond to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Muffasil P.S. Case No. 328 of 2019, 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.

(Sudhir Singh, J)

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