

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12884 of 2020

Arising Out of PS. Case No.-1401 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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RAHUL VIJAY MAHTO Son of Vijay Mahto Resident of Village -
Chondhipur, P.S.- Barh, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari D/o Late Chandeshwar Prasad Resident of Village -
Andhana More, P.S.- Nursarai, Distt - Nalanda, W/o Rahul Vijay Kumar,
Son of Vijay Mahto, Resident of Village - Chondhipur, P.S.- Barh, Distt -
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Anil Kumar Singh, Advocate
For the State	:	Mrs.Veena Rani Prasad, APP
For opposite party No.2	:	Mr.Satya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

11 30-11-2021 On behalf of the petitioner, it has been submitted that the application has been pending since 20.02.2020. The matter was referred to the Mediation Centre, Patna High Court, but as per the office note final mediation report is still awaited. Counsel for the petitioner further submits that the application is pending for more than one and half years and the application be disposed of on merit.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in connection with Complaint case No.1401C/2018 registered under Section



498A of the Indian Penal Code.

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 C.J.M., Nalanda (Biharsarif) in connection with Complaint case



No.1401C/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. 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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