

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25656 of 2021

Arising Out of PS. Case No.-413 Year-2019 Thana- DUMRA District- Sitamarhi

HARI SHANKAR GUPTA @ HARSH KUMAR @ HARISHANKAR PRASAD GUPTA Son of Yogendra Sah Resident of village - Kumhra Visanpur Ward No.14 @ Kumhra Vishunpur @ Kumrah Vishanpur Ward no.14, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari W/o Harishankar Gupta @ Harsh Kumar @ Harishankar Prasad Gupta, D/o Chandeshwar Prasad Gupta Resident of village - Kumhra Vishanpur Ward No.14, P.S.- Dumra, Distt.- Sitamarhi, At present resident 0of Village Virsinghpur, P.S.- Kalyanpur, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
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 the State through virtual mode.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 498A, 379 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 petitioner is husband of the victim. On the earlier occasion also, the informant/complainant had filed a case of similar nature against the petitioner and his family members. The informant is in habit of filing such false cases. 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 aforesaid facts and circumstances of the case as also the lockdown, let 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 Sub Divisional Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 413 of 2019 subject to the conditions as laid down under Section 438(2) of Code of the Criminal Procedure Code.

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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