

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30721 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

=====

AVINASH KUMAR, aged about 37 years (Male), Son of Amar Nath Jha,
Resident of Madhubani, Mohalla Budha Nagar Colony, Near Circuit House,
P.S.- Madhubani, District – Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shikha Kumari, Wife of Avinash Kumar, Daughter of Rajiv Kumar, Resident
of Village - Sahwajpur, P.S.- Ahiyapur, District – Muzaffarpur.

... .. Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Prabhas Ranjan, Advocate.
For the State : Mr. A.G.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-08-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned

A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection

with Madhubani (Nagar) P. S. Case No. 180 of 2020 for the

offence registered under Sections 341, 323, 342, 504, 506/34,

498(A), 354(A) of the I.P.C. in which charge sheet has been

submitted only under Section 498(A) of the I.P.C.

The prosecution story, in brief, is that the accused

persons including the petitioner tortured the victim due to non-



fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances of the case, 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 the learned C.J.M., Madhubani, in connection with Madhubani (Nagar) P.S. Case No. 180/2020, 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) only 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.

The opposite party no. 2 will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

U.K./-

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

