

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36227 of 2021

Arising Out of PS. Case No.-346 Year-2018 Thana- SARAIYA District- Muzaffarpur

MITHILESH KUMAR MAHATO, S/o Sri Bindeshwar Mahto, age about 28 years, R/o village- Rupauli, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Soni Devi, age about 23 years, W/o Shri Mithilesh Kumar Mahato, D/o Shri Bhuneshwar Mahto, R/o village- Rupauli, P.S.- Saraiya, District- Muzaffarpur, at present Residing at Village- Khaira, O.P.- Jaitpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Kumar Kaushlendra, Advocate.
For the State	:	Mr. Anuj Kumar Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-08-2021 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 Saraiya P.S. Case No. 346 of 2018 for the offence registered under Sections 323, 498(A), 494, 511, 307, 504/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

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 falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. There is no injury report to show that any offence under Section 307 of the I.P.C. is made out. Rests of the offences are 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 S.D.J.M., West, Muzaffarpur, in connection with Saraiya P.S. Case No. 346/2018, 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.

(Sudhir Singh, J)

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