

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28329 of 2019

Arising Out of PS. Case No.-451 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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VIMLESH KUMAR @ VIMLESH KUMAR RAI Son of Ram Kewal Rai
Resident of Village - Indrawa, P.S.- Sonbarsa, Distt - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sharmila Kumari Wife of Vimlesh Kumar, D/o Suresh Rai Resident of Village - Dalkawa, P.S.- Sonbarsa, Distt - Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the State : Mr.Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 29-10-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

By order dated 01.05.2019, the Co-ordinate Bench of
this Court had granted provisional anticipatory bail to the
petitioner and had issued notice upon the opposite party No.2.

As per the office note dated 28.06.2019, the notice has
been received by the father of the opposite party No.2 as
reported by the process server. In the light of the said service
report of the process server, Counsel for the petitioner was
required to file a supplementary affidavit stating the jointness of
the opposite party No.2 with her father. A supplementary
affidavit has already been filed showing jointness of the



opposite party No.2 with her father. Said supplementary affidavit is kept at Flag 'C'.

Considering the statements made in the said supplementary affidavit regarding jointness of the opposite party No.2 with her father, the notice upon the opposite party No.2 is declared to be validly served.

None appears on behalf of the opposite party No.2.

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. There is no injury report brought on record by the prosecution in respect of offence under Section 307 of I.P.C. Rest of the offences are 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 complaint case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner by order dated 01.05.2019 is, hereby, confirmed in



connection with Complaint case No.C1/451 of 2018 pending in the court of S.D.J.M., Sadar, Sitamarhi.

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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