

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27385 of 2019

Arising Out of PS. Case No.-3574 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

ANAND SWAROOP Son of Sri Ram Bilash Chuadhary Resident of 4H/6,
Bahadurpur, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pallavi Kumari Wife of Anand Swaroop, D/O- Ram Sagar Mandal Resident
of 4H/6, Bahadurpur, P.S.- Agamkuan, District- Patna, presently residing at
E/93, P.C. Colony, Malahi Pakri, P.S.- Kankarbagh, District- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr.Mahendra Thakur, Advocate
For the State	:	Mr.Rana Randhir Singh, APP
For opposite party No.2	:	Mr.Sanjay Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

16 02-12-2021 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.3574(c)/2018 registered under Sections
498A, 323, 307 of the Indian Penal Code and ³/₄ of Dowry
Prohibition Act.

Allegation against the petitioner is of committing
torture and assault upon the victim due to non-fulfilment of
demand of dowry.

In pursuance of the order dated 19.09.2019 passed by



a Co-ordinate Bench of this Court, the Counsel for the petitioner hands over a cheque bearing No.006165 dated 30.11.2021 of ICICI Bank, Bhootnath Road Branch, Patna for an amount of Rs.105000/- to the Counsel for the opposite party No.2 Mr. Sanjay Kumar Pandey, who signs in the margin of the order sheet in token of receipt of the same.

Counsel for the petitioner submits that the matter is pending since 24.04.2019. Hence, his application may be disposed of on merit.

The matter was referred to the Mediation Centre, Patna High Court. As per the report of the Mediator, the mediation has failed.

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 medical examination report in support of the allegations made under Section 307 of I.P.C. Except for 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 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 Smt. Tanveer Kaur, learned J.M. 1st class, Patna in connection with Complaint case No.3574(c) of 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.

The above mentioned cheque handed over by the Counsel for the petitioner to the Counsel for the opposite party No.2 will be subject to the final alimony of the maintenance



amount as directed by the Principal Judge, Family Court, Patna
passed in Matrimonial case No.695 of 2018 dated 31.08.2021.

(Sudhir Singh, J)

Narendra/-

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

