

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33119 of 2020

Arising Out of PS. Case No.-326 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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RAJA KUMAR MAHTO, Male, aged about 26 years, S/o Late Kusheshwer Mahto, Resident of Village-Kharawan Bhatgama, Ward No.03, Police Station-Dalsingsharai, District-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shiromani Kumari, W/o Raja Kumar Mahto, presently residing with father D/o Ram Binod Mahto, Village-Dihtavka, Police Station-Bibhutipur, District-Samastipur, Ph. No.7352010748.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Advocate.
For the State : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 498(A) of the I.P.C. and 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 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.

Considering the aforesaid 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 six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Rosera, in connection with Complaint Case C.R. No. 326/2019, Tr. No. 1769/2020, 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 learned 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)

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