

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45277 of 2021

Arising Out of PS. Case No.-1046 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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AMIT KUMAR Son of Kamta Prasad Ambastha Resident of Mohalla-
Harnichak, Anisabad, behind Kerosene Old Dipo, Police Station- Phulwari
Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pallavi Priya Daughter of Bipin Kumar Verma Resident of Kali Asthan,
Madhubani, Police Station- K.Hat, District- Purnea, Pin No.854301

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of eight
weeks.

Learned counsel for the petitioner submits that in the first
paragraph of the petition, the year of Complaint Case No. has
wrongly been mentioned as “2017” in place of “2019”.

Accordingly, the first paragraph of the petition is corrected
to the extent that “*Complaint Case No. 1046 of 2017*” mentioned
in the petition be read as “*Complaint Case No. 1046 of 2019*”.

The petitioner is apprehending his arrest in Complaint Case



No. 1046 of 2019 registered under Section 498A/34 of the Indian Penal Code.

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

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is husband of the victim. The offence is 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 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rohit Kumar, learned Judicial Magistrate-Ist Class, Purnea connection with Complaint Case No. 1046 of 2019 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.

(Sudhir Singh, J)

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