

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40533 of 2019

Arising Out of PS. Case No.-280 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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VIJAY CHOUDHARY @ VIJAY KUMAR CHOUDHARY, aged 28 years
(Male), Son of Ram Vilash Choudhary, Resident of Mohalla-Anwarpur
Chauk, Ward No.21, P.S. Town Hajipur, District-Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Khusboo Devi, Wife of Vijay Chaudhary @ Vijay Kumar Choudhary,
Resident of Mohalla-Anwarpur Chouk Ward No.21, P.S. Town Hajipur
District-Vaishali, presently residing D/o Binod Chaudhary, resident of
Village-Rahimabad P.S. N.H. Bangra, District-Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Awadhesh Kumar Singh, Advocate.
For the State	:	Mr. Ashok Kumar Singh, A.P.P.
For the O.P. No. 2	:	Mr. Dilip Kumar Roy, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 06-09-2021 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) and 406 of the
I.P.C.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

Vide order dated 16.11.2019, the matter was referred



to the Patna High Court Mediation and Reconciliation Centre by another Co-ordinate Bench of this Court.

From perusal of the report of the Mediator dated 22.01.2021, kept at Flag-'M', it is evident that the mediation has failed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He 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. 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 counsels for the State and opposite party no. 2, 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 C.J.M.,



Samastipur, in connection with Complaint Case No. 280 of 2016, 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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