

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51841 of 2021**

Arising Out of PS. Case No.-107 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Vivek Kumar @ Vivek Kumar Gupta S/O Shri Munshi Prasad Sah R/O Mohalla-Khemaji Tola Sandha, P.S-Chapra Muffasil, District-Saran (CHAPRA).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jyoti Kumari W/O Vivek Kumar @ Vivek Kumar Gupta, D/O Sanjay Prasad Sah R/O Mohalla-Khemaji Tola Sandha, P.S-Chapra Muffasil, District-Saran (CHAPRA), At Present Residing At Village And P.O-Bhagwanpur, P.S-Parsa, District-Saran (CHAPRA).

... .. Opposite Party/s

**Appearance :**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| For the Petitioner      | : | Mr.Mukesh Kumar Singh, Advocate |
| For the State           | : | Mr.Murli Dhar, APP              |
| For opposite party No.2 | : | Mr. Kundan Kumar, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-10-2021                      Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2 through virtual mode.

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

The petitioner is apprehending his arrest in connection with Chapra Muffasil P.S. case No.107 of 2021 registered under Sections 341, 323, 498A of the Indian Penal Code and  $\frac{3}{4}$  of Dowry Prohibition Act.

Allegation against the petitioner is of committing



torture upon the victim due to non-fulfilment 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. The case is triable by the Magistrate. On the earlier occasion also, a case was instituted by the informant for similar offence against the petitioner. 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 learned A.C.J.M. IX, Chapra, District Saran in connection with Chapra Muffasil P.S. case No.107 of 2021, 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.

**(Sudhir Singh, J)**

Narendra/-

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