

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52211 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- MAHILA P.S. District- Madhepura

SHASHANK PRIYADARSHI S/o Late Vilas Kumar Yadav Permanent R/o Ghoghsam, P.S.- Kandariya, O.P. Simri Bakhtiyarpur, District- Saharsa, At present- Jr. Engineer, Office (Jal Nigam), 2nd Nirman Khand, Rauza, Chandan Waha Chak Bhikhari, P.S. and Distt.- Gazipur, U.P.

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAJAL KUMARI W/o Shashank Priyadarshi, D/o Sri Ramesh Kumar Raman R/o Azad Nagar, Urmila Kutir, Ward No. 09, P.S. and Distt- Madhepura, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Santosh Kumar, Advocate
For the State	:	Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and learned APP for the State 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 Madhepura (Mahila) P.S. case No.55/2020 registered under Sections 498A, 323, 313, 379/34 of the Indian Penal Code and $\frac{3}{4}$ 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.

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 respect of offence under Section 313 of I.P.C. Hence, no offence under Section 313 of I.P.C. is made out. 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, 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 S.D.J.M., Madhepura in connection with Madhepura (Mahila) P.S. case No.55/2020, 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 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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