

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43197 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- TANKUPPA District- Gaya

RAHUL KUMAR Son of Siyaram Mahato Resident of Village-Tankupa, P.S-Tankupa, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari Wife of Rahul Kumar daughter of Sanjay Prasad Resident of Village-Tankupa, P.S-Tankupa, District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Prithivi Raj Singh, Advocate
For the State	:	Mr.Akshay Lal Pandit, APP
For opposite party No.2	:	Mr.Sunil Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

9 30-11-2021 The present application has been filed on 11.07.2019

Vide order dated 04.03.2020, the matter was referred to the Mediation Centre, Patna High Court by a Co-ordinate Bench of this Court. As per the office note dated 25.11.2021, it appears that due to Covid-19 pandemic the matter could not be taken up by the Mediator.

Counsel for the petitioner submits that the application be heard on merit since it has been pending for more than two years.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in connection



with Tankupa P.S. case No.31/2019 registered under Sections 498A, 341, 323, 504, 506 and 34 of the Indian Penal Code and 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 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. The case 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 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. 1st,
Gaya in connection with Tankupa P.S. case No.31/2019, 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. 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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