

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55239 of 2021

Arising Out of PS. Case No.-480 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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BITTU KUMAR @ BITTU KUMAR RAI Son of ASho Rai Resident of
Village - Phulwariya- 03 Baktar Asthan, P.S. - Phulwariya, District -
Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RINKI KUMARI @ RINKU DEVI Wife of Bittu Kumar, Daughter of
Munnilal Rai Resident of Village - Belsandi Tara, Post - Sindhia, P.S.
Bibhutipur, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-10-2021 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.

The petitioner is apprehending his arrest in Complaint Case
No. 480 of 2018 initially registered under Sections 323, 341, 406,
326, 504, 498A, 34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry
Prohibition Act but cognizance has been taken under Section-498A
of the Indian Penal Code and Section $\frac{3}{4}$ of Dowry Prohibition Act.

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 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 due to petty family dispute. The petitioner is husband of the victim. 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 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 learned Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Complaint Case No. 480 of 2018 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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