

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57097 of 2021

Arising Out of PS. Case No.-1006 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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RAJIV KUMAR @ RAJIB KUMAR @ RAJIV MISHRA S/O DILIP
MISHRA R/o village- Laxmipur, P.S.- Bhairab Asthan, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari W/o Rajiv Kumar @ Rajiv Mishra S/o Dilip Mishra, R/o village- Laxmipur, P.S.- Bhairab Asthan, District- Madhubani, At present she reside- D/o Binay Kumar Jha, R/o New Chakdah in front of Deo Nr. Yadav College, P.S.- Rajnagar, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and the

State.

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 case initially
registered under Sections 323, 341, 379, 386, 313, 307, 498(A),
120(B)/34 of the Indian Penal Code and 27 of the Arms Act in
which, later on, cognizance has been taken under Section-
498A/34 of the Indian Penal Code and 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, Madhubani in connection with Madhubani Complaint Case No. 1006 of 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.

(Sudhir Singh, J)

A.K.V.//-

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