

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1895 of 2021

Arising Out of PS. Case No.-2747 Year-2010 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sharwan Kumar Raut @ Sharwan Kumar @ Sarwan Kumar @ Sharwan Raut,
Male, aged about 35 years, Son of Rajkumar Raut, Resident of Village- Hardi
Nadawa, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Sangita Devi, Female, aged about 36years, Wife of Sharwan Raut, Resident
of Village- Bairiya, P.S.- Bairiya, District- West Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Uday Shankar Pandey, Advocate.
For the State	:	Mr. Raj Kishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-06-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned

A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for

the offence registered under Sections 498(A) of the I.P.C. and $\frac{3}{4}$

of the D.P. Act.

The prosecution story, in brief, is that the accused

persons including the petitioner tortured the victim due to non-

fulfilment of demand of dowry.

It has been submitted by learned counsel for the

petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim. The case is triable by the Magistrate. A maintenance case was also filed by the victim before the learned Principal Judge, Family Court, Bettiah, West Champaran, which was numbered as Maintenance Case No. 105-M/2011. A compromise was entered between the parties and on the basis of terms of the compromise, the said Maintenance Case No. 105-M/2011 was disposed of on 09.07.2013 by the learned Principal Judge, Family Court, Bettiah, West Champaran. The petitioner was under impression that the matter was resolved between the parties. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances of the case, let 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 his personal bond to the satisfaction of the learned S.D.J.M., Bettiah, West Champaran, in connection with Complaint Case No. 2747 of 2010, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

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)

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