

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6327 of 2021

Arising Out of PS. Case No.-300 Year-2019 Thana- CHAUTHAM District- Khagaria

MITHLESH KUMAR Son of Late Rudranarayan Singh Resident of Village -
Tarbanna, P.O.- Pachbir, P.S.- Sahebpurkamal, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Supriya Kumari Wife of Mithilesh Kumar Resident of Village - Tarbanna,
P.O.- Pachbir, P.S.- Sahebpurkamal, District - Begusarai at present address -
Daughter of Shri Varun Prasad Singh, Resident of Village - Navada, P.S.-
Choutham, District - Khagariai.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Praveen Kumar Agrawal, Advocate
For the State	:	Dr.Mrityunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 06-09-2021 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 four
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Choutham P.S. case No.300/2019 registered under Sections
147, 341, 323, 342, 309, 313, 314, 379, 307, 354, 420, 377,
498A, 120(B)/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. 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.

Case diary was called for. From perusal of the case diary it appears that there is no medical report of the victim on record. Hence there is no medical evidence in respect of offences under Sections 309, 313, 314, 307 and 377 of I.P.C. Except for the above referred offences, rest are triable by the Magistrate.

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 his personal bond to the satisfaction of learned A.C.J.M. III, Khagaria in



connection with Choutham P.S. case No.300/2019, 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) 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)

Narendra/-

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