

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8317 of 2021

Arising Out of PS. Case No.-1215 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Sanjay Tiwari @ Sanjay Kumar Tiwary, aged about 32 years, Gender-Male,
Son Of Late Asheser Tiwary, Village- Somgarh, Ward No. 09, P.S.- Sathi,
District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
3. Sulekha Kumari, Wife Of Sanjay Tiwary @ Sanjay Kumar Tiwary, Village-
Somgarh, Ward No. 09, P.S.- Sathi, District- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Nishant Kumar Sinha,
For the State	:	Mr.A.G.
For the O.P. No. 2	:	Mr. Umesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 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, learned

counsel for the opposite party no. 2 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), 323, 307, 406 and

504/34 of the I.P.C.

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 cognizance has not been taken under Section 307 of the I.P.C. Rests of the offences are triable by the Magistrate. 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 counsels for the State and the opposite party no. 2, 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 C.J.M., Bettiah, West Champaran, in connection with Complaint Case No. 1215-C/2018, 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.

The opposite party no. 2 will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

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