

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62310 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- BARARI District- Katihar

VIVEK GUPTA, aged about 28 years, Male, Son of Duryodhan Gupta,  
Resident of Farbisganj, Ward No.8, P.S.- Farbisganj, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Ajit Kumar Singh, Advocate  
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-11-2021      Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of eight weeks.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in connection  
with Barari P.S. Case No. 45/2021 for the offence registered  
under Sections 341, 323, 379, 498(A), 494, 504, 506/34 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. He



has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. The case is 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 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 furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Katihar, in connection with Barari P.S. Case No. 45/2021, 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. 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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