

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63618 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Nalanda

NIRAJ KUMAR, (M), age about 31 years, Son of Shyam Narayan Sinha, Resident of Village - Baghatilha, P.S. - Belchhi, District - Patna, Presently resident of House No.- 26, D - Block, Sector No. Bhulinagar Mor, Dhanbad, Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar.
2. Anshu Kumari @ Divya Bharti, (F), Wife of Niraj Kumar, Daughter of Shambhu Kumar Singh, Resident of Village-Sasaur, P.S. - Sarmera, District - Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Vijay Kumar, Advocate
For the O.P. No. 2	:	Mr. Pratik Kumar Sinha, Advocate
For the State	:	Mr. Dr. Mrityunjaya Kr.Gautam, 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, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 53 of 2021 for the offence registered under Sections 498(A), 341, 323, 504/34 of the I.P.C. and 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 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 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. Nalanda at Bihar Sharif, in connection with Mahila P.S. Case No. 53 of 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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