

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66664 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- BIHTA District- Patna

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NITESH SRIVASTAV @ NITESH SRIVASTAVA @ VEDANT
SRIVASTAVA S/O SRI NIRANJAN SRIVASTAVA R/o Village/Mohalla-
Rajendra Nagar, Munna Chak, Chitragupta Nagar, Bank Mens Colony, House
No. A-2, P.S.- Patrakar Nagar (Hanuman Nagar), Kankarbagh Distt.- Patna,
Pin Code- 800020 (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kajal Kumari D/o Sitanath Sinha R/o Village/Mohalla- Chini Mill, Bihta,
P.O.- Bihta, P.S.- Bihta, District- Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhen Sarkar
For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and the

State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The petitioner is apprehending his arrest in a case
registered under Section 498A/34 of the Indian Penal Code and
¾ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture
upon the victim due to non-fulfillment 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 due to petty family dispute. The petitioner is husband of the victim. All the offences are triable by the Magistrate. 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.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid 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 furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Danapur, Patna in connection with Bihta P.S. Case No. 05 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.

(Sudhir Singh, J)

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