

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56578 of 2019

Arising Out of PS. Case No.-1469 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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KUSH KUMAR @ GORKI @ LAVNAT Son of Late Sheo Nat @ Sheo
Kumar Resident of Village- Chakmunjay, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rani Devi D/o- Ganesh Nat Resident of Village- Chakmunjay, P.S.- Bihta,
District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 28-09-2021 Heard learned counsel for the petitioner and the State.

None appears on behalf of O.P. No. 2.

A supplementary affidavit showing jointness of O.P.
No. 2 with her father, has been filed on behalf of the petitioner
stating that the notice served upon O.P. No. 2 has been received
by father of the O.P. No. 2. The O.P. No. 2 lives with her father.
Hence issuance of notice upon O.P. No. 2 may be treated to be
validly served.

Accordingly, the service of notice upon O.P. No. 2 is
accepted to be validly served. Let the supplementary affidavit be
kept on record.

The petitioner is apprehending his arrest in Complaint



Case No. 1469(C) of 2018 registered under Section 498A of the Indian Penal Code and 4 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. The matter relates to the year 2019. 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 learned Sub Divisional Judicial Magistrate, Danapur, Patna in



connection with Complaint Case No. 1469(C) of 2018 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)

A.K.V.//-

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