

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61290 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- MAHILA PS District- East Champaran

ISHWAR SHARAN SINGH, aged about 29 years (Male), Son of Sudama Singh, Resident of Village - Mokhtiyarpur, P.S.- Khodwa, Distt - Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puspa Kumari, daughter of Abhay Kumar, Resident of Village - Gali No. 4, Arya Samaj Road, Bhawanipur Zirat, P.S.- Chhatoni, Distt - Motihari.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Chandra Bhushan Singh, Advocate.
For the State	:	Mr. Upendra Kumar, A.P.P.
For the O.P. No. 2	:	Mr. Anil Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

11 30-06-2021 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.

Vide order dated 14.10.2019, the matter was referred to the Conciliation and Medication Centre, Patna High Court, Patna.

A report of the Mediator has been received. As per the report, mediation has failed.

The petitioner is apprehending his arrest in a case for the offence registered under Section 341, 342, 323, 504, 506, 406, 498(A), 313, 315/34 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. The petitioner also assaulted the victim and forcibly gave her medicine for abortion so that on 28.04.2019, the abortion was effected at Goodwill Hospital at New Delhi.

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. As far as offence under Section 313 of the I.P.C. is concerned, there is no medical evidence in support of offence under Section 313 of the I.P.C. Except for offences under Sections 313 and 315 of the I.P.C. all 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, the provisional anticipatory bail granted to the petitioner, vide order dated 14.10.2019, passed by another Co-ordinate Bench of this Court, is hereby confirmed.

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 also 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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