

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69084 of 2019**

Arising Out of PS. Case No.-772 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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VIKASH RAJBANSHI Son of Malo Rajbanshi Resident of Village- Pithauri,
Police Station- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o Vikash Rajbanshi Resident of Village- Pithauri, Police Station- Akbarpur, District- Nawada. At present- D/o Khiru Rajbanshi, Resident of Village- Farka Buzurg, Police Station- Rajauli, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Vibhuti Ranjan Sonvadra, Advocate
For the State : Mrs.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-11-2021 Heard learned counsel for the petitioner and learned

APP for the State.

By order dated 29.01.2020, the Co-ordinate Bench of
this Court had directed for issuance of notice upon the opposite
party No.2.

It has been submitted on behalf of the petitioner that
due to Covid-10 pandemic, the requisites for notices were filed
after the expiry of the period as indicated in the earlier order,
therefore, notices were not issued upon the opposite party No.2.
The counsel for the petitioner further submits that the present
application was filed on 25.10.2019 and it has been pending for



more than two years. Hence, counsel for the petitioner presses that the application be heard on merit and be disposed of.

The petitioner is apprehending his arrest in connection with Complaint case No.772/2018 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-fulfilment 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. The case is 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 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



bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Complaint case No.772/2018, 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. 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)

Narendra/-

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