

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71245 of 2019

Arising Out of PS. Case No.-509 Year-2016 Thana- BETTIAH CITY District- West
Champaran

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KUMAR VIVEK RAI @ VIVEK RAI S/o- Baleshwar Rai Resident of St.
Joseph School Road, In front of Kidzee School, Mohalla Dargah, Ward No.
22, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Namrata Kumari D/o- Shivbachhan Prasad Singh Resident of Village-
Dakbunglow Road, Bettiah, P.S.- Bettiah Town, District- West Champaran.
At present residing Aghoria Chowk, Mamaji Lane, Sursand Kodhi, P.S.-
Kaji Mohammadpur, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shally Kumari, Advocate.

For the Opposite Party/s : Mr.Narendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 11-01-2021 Heard the parties.

Opposite party no.2 has not filed any counter
affidavit. Petitioner is husband of the opposite party no.2 and is
accused in connection with Bettiah Town P.S. Case No. 509 of
2016 registered under Section 498A and other sections of the
Indian Penal Code as well as under provisions of Dowry
Prohibition Act.



Earlier prayer for anticipatory bail was refused by this Court in Cr. Misc. No. 9370 of 2017 on 31.01.2018. The said order was challenged before the Hon'ble Supreme Court in SLP (Cr) No. 3299 of 2018 and the Hon'ble Supreme Court declined to interfere with the order of this Court and dismissed the SLP on 24.04.2018.

Learned counsel for the petitioner submits that subsequent development of this case giving rise to this prayer for anticipatory bail is that parties have entered into a compromise. Petitioner paid agreed amount to opposite party no.2. Compromise petitions were filed in both the criminal cases lodged by the petitioner side as well as this case. After getting the money, opposite party no.2 did not appear before the court below, hence interim order of no arrest of the petitioner ordered by the court below was recalled by the court below itself.

Learned counsel for the opposite party no.2 submits that opposite party no.2 has not received any amount.

Entire disputed fact is to be resolved by the Court below itself and everything is there before the court below. Petitioner may appear before the court below and the court below shall proceed according to law.

With the aforesaid observation, this court is not



inclined to entertain this application. Accordingly, this application stands dismissed.

(Birendra Kumar, J)

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