

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76421 of 2019

Arising Out of PS. Case No.-1241 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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SHARWAN PASWAN Son of Premlal Paswan Resident of Village - Saidpur,
P.S.- Moro, Distt - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mamta Devi Wife of Sharwan Paswan, D/o Rambriksh Paswan Resident of
Araila, P.S.- Moro, Distt - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Madan Kumar, APP
For opposite party No.2	:	Mr. Kedar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 27-09-2021 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

The matter has been pending since 2019. Hence, the
learned counsel for the petitioner presses that let the order be passed
on merit.

The petitioner was granted provisional anticipatory bail by
order dated 13.02.2020 by a Co-ordinate Bench of this Court.

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 and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner by order dated 13.02.2020 is, hereby, confirmed in connection with Complaint case No.1241 of 2017 corresponding to Trial No.3631 of 2019 pending in the court of Sub Divisional Judicial Magistrate, Darbhanga.

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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