

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82179 of 2019

Arising Out of PS. Case No.-233 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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ABISHEK KUMAR Son of Basant Paswan Resident of Village-Sammaspur,
Jafrabaad, Fatuha, P.S.-Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sadhna Kumari Wife of Abhishek Kumar, Daughter of Kesho Prasad @
Suresh Prasad Resident of Village-Samasspur, Jafrabaad, Fatuha, P.S.-
Fatuha, District-Patna. At present residing at Diwan Mohalla, Mahrani
Asthan, Naujarghat, P.S.-Khajekalan, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar
For the State	:	Mr.Jai Narain Thakur, APP
For the O.P. No. 2	:	Mr. Raghunandan Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case initially registered under Sections 323, 420, 498A of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act in which, later on, cognizance has been taken under Section-498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

Earlier by order dated 11-1-2019, the matter was referred to the Mediation Centre by the coordinate bench of this court.

On behalf of the petitioner, it has been submitted that the mediation could not be done as the Mediation Centre was not functioning due to Covid-19 pandemic. It has further been



submitted that the present application is pending since 10-12-2019 and hence, let this application be disposed of on merit.

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. All the offences are 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 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 Sub Divisional Judicial Magistrate, Patna City, Patna in



connection with Complaint Case No. 233 of 2019 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)

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