

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80602 of 2019

Arising Out of PS. Case No.-515 Year-2015 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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VIKASH KUMAR @ VIKASH KUMAR RAI @ VIKASH RAI Son of
Kameshwar Rai @ Kaleshwar Rai Resident of Village-Sothgana, P.S.-
Vidyapatinagar, District-Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanju Devi Daughter of Late Muneshwar Rai Resident of Village-
Bherokhara, P.S.-Tajpur, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Surya Narayan Roy
For the Opposite Party/s	:	Mr.Tapeshwar Sharma
For the O.P. No. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-08-2021 Heard through virtual mode.

Re. I.A. No. 1 of 2020

The present interlocutory application has been filed in
view of order dated 04.02.2020 passed in the present proceeding.

Earlier, Notices were issued upon O.P. No. 2 by order
dated 13.12.2019. As per the Office Notes dated 29.01.2020, the
said notices upon O.P. No. 2 was received by her brother namely
Manjesh Kumar Srivastava which is evident from the service report
enclosed with the report.

It has been submitted on behalf of the petitioner that the
O.P. No. 2 and her brother lives in the same house in a joint family
and, therefore, notices received by her brother is accepted to be valid.



Considering the statements made in the present present interlocutory application, the service of notice upon O.P. No. 2 is accepted to be valid.

I.A. No. 1 of 2020 is allowed.

Cr. Misc. No. 80602 of 2019

Heard learned counsel for the petitioner and learned APP for the State through virtual mode. None appears on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case registered under Section 498A of the Indian Penal Code.

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 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.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the



learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Judicial Magistrate, 1st Class, Dalsingsarai, Samastipur in connection with Complaint Case No. 515 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

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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