

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83649 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- SARAI District- Vaishali

CHUNNU PATEL @ CHUNU PATEL (Male), aged about 32 years, Son of Late Jhingur Patel @ Late Jhigur Patel, Resident of Village-Paura Kachehari @ Paura Madan Singh, P.S.-Sarai, District-Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shikha Kumari, (Female), aged about 24 years, Wife of Chunnu Patel @ Chunu Patel, Resident of Village-Paura Kachehari @ Paura Madan Singh, P.S.-Sarai, District-Vaishali.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Manish Chandra Gandhi, Advocate.
For the State	:	Mr. Kalyan Shankar, A.P.P.
For the O.P.No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 4 23-02-2021 Twice notices were issued upon opposite party no. 2.
- First notice was issued to opposite party no. 2 on the address given by the opposite party no. 2 in the F.I.R. Second notice was issued to opposite party no. 2 on the address of her parents but none of the notices could be served upon opposite party no. 2.

Case diary has already been received.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 324, 498(A)/34 of the I.P.C. and $\frac{3}{4}$ of the D. P. Act but Section $\frac{3}{4}$ of the D.P. Act



has not been mentioned in the F.I.R.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further 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 learned counsel for the State, it has been submitted that the petitioner is named in the 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 six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the



learned A.C.J.M.-XIII, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 273 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 learned 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.

The opposite party no. 2 will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

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