

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81083 of 2019

Arising Out of PS. Case No.-797 Year-2019 Thana- BIHTA District- Patna

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ABHISHEK KUMAR PANDEY @ ABHISHEK PANDEY @ SONU
PANDEY Son of Ramshakal Pandey Resident of Village - Bihta Jinpura
Road, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anu Pandey W/o Abhishek kumar Pandey @ Abhishek Pandey @ Sonu
Pandey, D/o Manjay Singh Resident of Village - Nagar Bihta, P.S.- Bihta,
Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ravi Bhardwaj, Advocate
For the State	:	Mrs.Rita Verma, APP
For opposite party No.2	:	Mr. Dhananjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-11-2021 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party No.2.

By order dated 11.12.2019, the petitioner was granted
provisional anticipatory bail.

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. So far offence under
Section 307 of I.P.C. is concerned, from perusal of the injury report,
it appears that the nature of injury is simple. At best, a case under



Section 324 of I.P.C. is made out. Except for offence under Section 307 of I.P.C., rest of 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 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 11.12.2019 is, hereby, confirmed in connection with Bihta P.S. case No.797 of 2019 pending in the court of A.C.J.M., Danapur.

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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