

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81147 of 2019

Arising Out of PS. Case No.-1030 Year-2018 Thana- SITAMARHI District- Sitamarhi

MUNNA CHANDRA PURVEY S/o- Vishwanath Purvey R/o- Village- Laxmi
Nagar, Ward No.- 2, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife of Munna Chandra Purvey, Daughter of Hari Lal Singh Resident of Village- Laxminagar Ward No. 2, P.S.- Sitamarhi, District- Sitamarhi, At present R/o- Village- Khairavi, P.S.- Bathnaha, District- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 31-08-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

By order dated 22-01-2020, notice upon O.P. No. 2 was ordered to be issued. As per office note, the brother of O.P. No. 2 has refused to take notice. It has been submitted that the present application is pending since 07-12-2019, therefore, the same be heard on merit.

Considering the submissions, made on behalf of the petitioner, the matter is being heard on merit.

The petitioner is apprehending his arrest in Sitamarhi (Mehsaul O.P.) P.S. Case No. 1030 of 2018 registered under Sections 341, 323, 498A, 504/34 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 petitioner is husband of the victim. The offence are triable by 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, I/C, Sitamarhi in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 1030 of 2018 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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