

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.85790 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- RAXAUL District- East Champaran

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ADITYA KUMAR RAJ @ ADITYA KUMAR S/o Babulal Ram Resident of Village- Kolhuarwa Kumari Devi Chowk, P.S.- Miotihari Town, Dist- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Kumari W/o Aditya Kumar Raj @ Aditya Kumar , D/o Narayan Ram Resident of Village- Kolhuarwa Kumari Devi Chowk, P.S.- Motihari Town, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the Opposite Party/s	:	Mr.Braj Kishore Pd.(App)
For the informant	:	Mr. Ansul, Advocate
		Mr. Kundan Rathore, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 22-03-2021 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 498A, 307, 406, 427/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act.

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. There is no injury report on record to show that the offence under Section 307 is attracted in the present case. Rest of the offences are triable by Magistrate. The petitioner is husband of the victim. The petitioner undertakes that he will cooperate during trial. 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, let 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 163 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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