

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83437 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA District- Munger

SUMIT MANDAL @ SUMIT KUMAR MANDAL Son of Ashok Mandal
Resident of Mohall - Quater No. 332/CD, Gomoh, P.S.- Hariharpur, Distt -
Dhanbad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Khushboo Kumari @ Dipika D/o Latori Mandal Resident of Quarter No.
785 Doulatpur (Railway Colony Jamalpur), P.S.- Jamalpur, Distt - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Kumar Kamal Nayan, Advocate
For the State	:	Mr.Khurshid Anwar, APP
For opposite party No.2	:	Mr.Ram Sevak Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-09-2021 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the opposite party No.2

through virtual mode.

By order dated 17.12.2019, the matter was referred to

the Patna High Court, Mediation Centre by a Co-ordinate Bench

of this Court. As per the report of the Mediator, mediation has

failed.

The petitioner is apprehending his arrest in connection

with Mahila P.S. case No.19/19 registered under Sections 498A,

341, 323, 420, 504, 506/34 of the Indian Penal Code and ¾ of

Dowry Prohibition Act.

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. 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 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 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 Sri Bimlesh Kumar, J.M. 1st class, Munger in connection with Mahila P.S. case No.19/2019, 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. 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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