

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83833 of 2019

Arising Out of PS. Case No.-295 Year-2019 Thana- RANIGANJ District- Araria

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DURGANAND RAM S/o Gorkund Ram R/o village- Jagta Kharsahi, Teen Toliya, Ward No. 1, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Soni Devi W/o Durganand Ram, D/o Late Mishri Lal Ram R/o village- Jagta Kharsahi Teen Toliya, Ward No. 1, P.S.- Raniganj, District- Araria, At present Mohalla- Shivpuri Ward No.- 9, P.S.- Araria, District- Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 16-11-2021 Heard learned counsel for the petitioner and the state.

As per the office note dated 21-10-2021, an affidavit showing jointness has been filed on behalf of the petitioner stating that the O.P. No. 2 is residing with her brother. Hence the notice received by sister-in-law of O.P. No. 2 may be accepted as validly served.

Accordingly, the notice received by the sister-in-law of O.P. No. 2 is deemed to be validly served.

No one appears on behalf of O.P. No. 2.

The petitioner is apprehending his arrest in a case registered under Sections 323, 498A, 330, 370, 384, 506, 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. It has been submitted on behalf of the petitioner that except Section 370 of the Indian Penal Code, rest of the offences 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 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 Raniganj P.S. Case No. 295 of



2019 , G.R. No.-3118 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)

A.K.V.//-

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