

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83100 of 2019

Arising Out of PS. Case No.-1366 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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RAJESH KUMAR Son of Sadhu Vishwakarma @ Ramishwar Sharma
Resident of Village - Kanchanpur, Post - Chakand, P.S.- Bela, Distt - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Punam Devi Wife of Rajesh Kumar, D/o Sanjay Vishwakarma Resident of
Mohalla - Naraingarh, P.S.- Rampur, Distt - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 06-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Earlier, by order dated 13.02.2020, the notices were to
be issued upon O.P. No. 2.

Vide Office Notes dated 20.06.2020, the office has
pointed out that the notices could not be served upon O.P. No. 2
on the given address as she has sold the property and left the
place.

Learned counsel for the petitioner submits that the
matter is pending since 12.12.2019, hence, the present
application may be disposed of on merit.

The petitioner is apprehending his arrest in a case



registered under Section 498A 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 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, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/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 S.D.J.M., Gaya in connection with Complaint Case No. 1366/17/3308/17, 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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