

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.558 of 2020

Arising Out of PS. Case No.-152 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. RANJIT KUMAR ROSTOGI @ DIPAK RASTOGI @ DEEPAK KUMAR S/o Janardan Rastogi @ Janardhan Prasad Rastogi R/o village- Masrak Station Road, P.S.- Mashrak @ Masrak, Wrongly stated in Rastogi, District- Saran (Chhapra)
 2. Devbati Devi @ Damyanti Devi W/o Janardan Rastogi @ Janardhan Prasad Rastogi R/o village- Masrak Station Road, P.S.- Mashrak @ Masrak, Wrongly stated in Rastogi, District- Saran (Chhapra)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pooja Kumari W/o Ranjit Kumar Rastogi @ Dipak Kumar Rastogi, D/o Mohan Prasad Rastogi @ Janardan Rastogi R/o village- Masrak Station Road, P.S.- Mashrak, District- Saran (Chhapra), At present R/o village- Sitamarhi Mehsaul Chowk Labour Office Ward No. 24, P.S.- Sitamarhi, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate
For the State : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The matter has been pending since 08.01.2020.
Hence, the learned counsel for the petitioners presses that let the
order be passed on merit.

The petitioners are apprehending their arrest in
connection with Case No. C1-152/2017 (Trial No.2914/2019)
registered under Sections 498(A), 379, 506, 511 of the Indian



Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, but cognizance has been taken under Sections 498(A)/34 of I.P.C.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner No.1 is the husband and the petitioner No.2 is the mother-in-law of the victim. The petitioners have 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 petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned S.D.J.M.,
Sadar, Sitamarhi in connection with Case No. C1-152/2017
(Trial No.2914/19), 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. 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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