

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1363 of 2020

Arising Out of PS. Case No.-1254 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

ASHWANI KUMAR S/o Shivji Prasad Gupta R/o village- Yadopur Bazar,
P.S.- Yadopur, District- Gopalganj, presently residing at Collectrate Chawk
Block Road Bettiah, P.S.- Betia Nagar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari W/o Ashwani Kumar R/o Block Road Narkatiya Ganj, P.S.-
Shikarpur, Distt.- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr.Jitendra Kumar Giri, Advocate
For the State	:	Mr.Nawal Kishore Prasad, APP
For opposite party No.2	:	Mrs. Meena Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2021 The present application has been filed on 10.01.2020.

Vide order dated 25.02.2020, the matter was referred to the
Mediation Centre, Patna High Court by a Co-ordinate Bench of
this Court. As per the office note dated 15.06.2020, it has been
reported that mediation report has not been received as yet.

It has been pointed out on behalf of the petitioner that
due to Covid-19 pandemic, the Mediation Centre, Patna High
Court is not functioning and the matter has been pending for
more than one and half years. Hence, Counsel for the petitioner
submits that the application be heard on merit since it has been
pending for more than one and half years.



Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2 through virtual mode.

The petitioner is apprehending his arrest in connection with Complaint case No.1254C/2018, SC No.1276/2019 registered under Sections 498A 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-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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bettiah, District West Champaran in connection with Complaint case No.1254C/2018, SC No.1276/2019, 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. 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/-

U		T	
---	--	---	--

