

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8293 of 2020

Arising Out of PS. Case No.-982 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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CHANDAN KUMAR S/o Sri Shyam Sundar Prasad @ Shyam Sundar Rai
Resident of Yusufpur, P.S.- Fatuha, District- Patna. At present resident of
Mohalla- Bhootnath Road, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Runa Kumari W/o Chandan Kumar, D/o Shiv Narayan Prasad At present R/o
village- Bhagwanpur (Dewar Sangi), P.S.- Fatuha, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudish Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-02-2022 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
registered under Sections 323, 504, 498A, 307, 313, 120B of the
Indian Penal Code and ³/₄ of Dowry Prohibition Act.

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 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. On the earlier occasion
also, a case was instituted by the complainant for similar
offence. The petitioner is husband of the victim. A divorce



petition is also pending between the parties. There is no medical evidence in support of the allegation for the offence under Section-313 and 307 of the Indian Penal Code. Except for the offences under Sections-313 & 307 of the Indian Penal Code, rest offences are 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 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, Patna in connection with Complaint Case No. 982 (C) of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate during the trial. If the petitioner does not co-operate during the trial, the court



below will be at liberty to cancel the bail bonds of the petitioner.

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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