

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8439 of 2022

Arising Out of PS. Case No.-470 Year-2020 Thana- GAYA KOTWALI District- Gaya

NITIN LAL Son of Ashok Kumar Lal Resident of Mohalla- New Godown,
Punjabi Colony, P.S.- Kotwali, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Rani Kumari Wife of Nitin Lal and Daughater of Shambhu Prasad Resident of Mohalla- New Godown, Punjabi Colony, P.S.- Kotwali, District- Gaya, presently Residing at Purana Petrol Pump, Mohalla- Marwati, P.S.- Chatra, District- Chatra (Jharkhand).

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Adv.
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered under Sections-498A, 313/354(B) 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-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 of similar nature was instituted against the petitioner by his wife and her family members. The petitioner is husband of the victim. There is no substantive evidence to show that offence under Section-313 of the Indian Penal Code is made out against the petitioner. Rest of the offences are triable by the Magistrate. Divorce petition has also been filed by the petitioner which is pending. 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 Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 470 of 2020 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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