

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9389 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- SONBERSA District- Sitamarhi

Jitendra Mahto, aged about 32 years, Gender-Male, S/O Budhan Mahto,
Village Vishrampur Ward No 9 P.S. Sonbarsa, District Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate
For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner is apprehending his arrest in connection
with Sonbarsa P.S. Case No. 273/2021 for the offence registered
under Sections 341, 323, 307, 498(A), 504, 506/34 of the I.P.C.
and $\frac{3}{4}$ of the D.P Act.

The prosecution story, in brief, is that the petitioner
and others tortured and assaulted the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is the brother-in-law of the victim. He is separate in mess and property from the husband of the victim. Nature of injury is said to be simple, hence, no offence under Section 307 of the I.P.C. is attracted in the present case. Rest of the offences are triable by the Magistrate. The petitioners have further 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 learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances of the case, let 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 Chief Judicial Magistrate, I/C, Sitamarhi in connection with Sonbarsa P.S. Case No. 273/2021, 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.

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.

(Sudhir Singh, J)

U.K./-

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

