

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14315 of 2022

Arising Out of PS. Case No.-225 Year-2020 Thana- CHACKMEHSI District- Samastipur

BAMBAI KUMAR RAI @ BAMBAI KUMAR RAY @ MITHILESH Son of
Late Ram Ratan Ray Resident of Village - Neemachak Haider, Ward No.- 6,
P.S. - Chak Mehshi, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Ram Vinod Ray Resident of Village - Jitwarpur, Ward No.- 5, P.S. - Samastipur Muffasil (Wrongly mentioned as Kaplyanpur in First Information Report), District - Samastipur.
3. Puja Kumari Wife of Bamba Kumar Rai @ Bamba Kumar Ray @ Mithilesh Daughter of Ram Vinod Ray, Resident of Village - Jitwarpur, Ward No.- 5, P.S. - Samastipur Muffasil (Wrongly mentioned as Kaplyanpur in First Information Report), District - Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
APP for 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/34 of the Indian Penal Code and
¾ 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, 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 Additional Chief Judicial Magistrate-I, Samastipur in connection with Chakmehsi P.S. case No.225 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. 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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