

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21886 of 2020

Arising Out of PS. Case No.-2115 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

VIPUL TIWARI, aged about 38 years, Male, S/o Late Vishnu Dev Tiwari, R/o Village- Vara Mangru, P.S.- Madhuban, District- East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Somi Kumari @ Somi Devi, D/o Amrendra Kumar Dwivedi, R/o Village- Hindu Chakia, P.S.- Chakia, District- East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sanjay Parasmani, Advocate
For the State	:	Mr. Ajay Kumar No. 2, A.P.P.
For the O.P.No. 2	:	None.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 04-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

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

Notices issued upon opposite party no. 2 in the present case, has already been received by the mother of the opposite party no. 2.



A second supplementary affidavit has been filed on behalf of the petitioner stating therein that the opposite party no. 2 is residing with her mother. Considering the same, service of notices issued upon opposite party no. 2, is declared to be valid. None appears for the opposite party no. 2.

The petitioner is apprehending his arrest in connection with Complaint Case No. 2115 of 2018 for the offence registered under Sections 498(A)/34 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured 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. He has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has 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, the provisional bail granted to the petitioner vide order
dated 22.07.2020, by a Co-ordinate Bench of this Court, in
connection with Complaint Case No. 2115 of 2018, pending in
the court of learned S.D.J.M., Sadar, Motihari, East Champaran,
is hereby confirmed.

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)

U.K./-

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

