

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32380 of 2021**

Arising Out of PS. Case No.-561 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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NIRBHAY KUMAR SINGH Son of Shri Satyandra Singh, Resident of
Village- Mahhamada, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rinki Devi Wife of Nirbhay Kumar Singh, D/o Anil Singh Resident of
Village- Bhudhsi, P.S.- Mahammadpur, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Dhramveer, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For O.P. No.2	:	Mr. Surendra Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of normal court
proceedings. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner apprehends his arrest in a case
registered under Sections 498(A), 406, 307, 308, 120(B)/34 of
the Indian Penal Code.

Allegation against the petitioner is of committing
torture upon the victim due to non-fulfillment of additional



demand of dowry.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses against the petitioner. The petitioner has falsely been implicated in the present due to petty family dispute. 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.

Considering the aforesaid facts and circumstances, let petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Gopalganj in connection with Complaint Case No.561 of 2019, subject to the conditions 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.

Further, petitioner is ready to pay Rs.5,000/- (rupees five thousand) per month to the complainant/O.P. No.2 for a period of one year, within which period, it is expected that the complainant/O.P. No.2 shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either ad interim or final, passed by learned Family Court.

It is also made clear that in case of failure to pay Rs.5,000/- (rupees five thousand) to the complainant/O.P. No.2 continuously for three months, the complainant/O.P. No.2 would be at liberty to move for cancellation of bail bond of the petitioner before the learned court below itself.

(Anjani Kumar Sharan, J.)

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