

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26011 of 2022

Arising Out of PS. Case No.-1241 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Mithilesh Sharma Son Of Ratan Lal Sharma R/O Mohalla- Vijaynagar, Babu Tola, Ward No.- 15/17, P.S.- And District- Banka

... .. Petitioner

Versus

1. The State of Bihar
2. Rubi Kumari D/O- Mohan Sharma, W/O- Mithlesh Sharma R/O Village- Vijaynagar, Babu Tola, Ward No.-15/17, P.S.- Banka, District- Banka

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Advocate

For the Opposite Parties : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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

Counsel for the petitioner is permitted to make necessary correction regarding case number in the prayer portion of the application.

The petitioner is apprehending his arrest in a case registered under Sections 323, 420, 498A/34 of the Indian Penal Code.

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 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 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 Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 1241 of 2018, 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.

The petitioner shall cooperate in the trial.

(Sudhir Singh, J)

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