

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38055 of 2021**

Arising Out of PS. Case No.-867 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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UMESH BHAGAT @ UMESH KUMAR S/o Mahesh Bhagat R/o Village-
Chhajan Pasarwara, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Umesh Bhagat @ Umesh Kumar, D/o Ramlal Bhagat R/o
Village- Chhajan Pashbara, P.S.- Kudhani, District- Muzaffarpur, At present
R/o Village- Baruraj Ward No.5, P.S.- Baruraj, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioner and learned

APP for the State through virtual mode.

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 323, 504, 406, 498A, 307 of the
Indian Penal Code and $\frac{3}{4}$ 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. There is no medical examination report in support of offence under Section 307 of I.P.C. Except for offence under Section 307 of I.P.C., rest of the offences are 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 S.D.J.M. West, Muzaffarpur in connection with Complaint case No.867/2018, Tr. No.3731/2020, 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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