

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38037 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- DURAULI District- Siwan

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BIRBAL KUMAR @ BIRBAL PRASAD @ BIRBAL PASWAN, Male, age about 35 years, Son of Sri Swaminath Prasad, permanent resident of Village - Amarpur, P.S.- Darauli, District- Siwan, present resident of Rajivnagar, P.S.- Sector 31, District- Faridabad (Haryana)

... .. Petitioner

Versus

1. The State of Bihar.
2. Sarita Devi, Female, aged about 32 years, Wife of Birbal Kumar @ Birbal Prasad @ Birbal Paswan, D/O- Sudarshan Prasad, Resident of Village - Bhathahi Sevak Chak, P.S.- Bankata, District- Devariya (Uttar Pradesh).

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Parijat Saurav, Advocate
For the O.P. No. 2	:	M/S. Yogesh Kumar and Ayush Kumar, Advocates.
For the State	:	Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

13 04-02-2022 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, learned A.P.P. for the State and learned counsel for the opposite party no. 2.



Earlier the petitioner was granted provisional anticipatory bail by order dated 25.06.2019 by another Co-ordinate Bench of this Court in connection with Darauli P.S. Case No. 176 of 2018 for the offence registered under Sections 341, 323, 498(A), 379, 406 and 506/34 of the I.P.C.

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 counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, the provisional anticipatory bail granted to the petitioner vide



order dated 25.06.2019 by another Co-ordinate Bench of this Court in connection with Darauli P.S. Case No. 176 of 2018, pending in the court of learned Chief Judicial Magistrate, Siwan, is, hereby confirmed.

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)

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