

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48039 of 2022

Arising Out of PS. Case No.-519 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Alok Kumar Kaurgiya Son Of Late Tapeswar Kaurgiya R/O Village-
Bangama, P.S.- Laukahi, District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Nitu Kumari D/O Ram Lagan Khairwar R/O Village- Jhanjhpati Ashpatti,
P.S.- Khutauna, District- Madhubani

... .. Opposite Party/s

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Appearance:

For the Petitioner : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
under sections 341, 323, 504, 506, 379, 498(A) of the Indian
Penal Code.

Allegation against the petitioner is of committing torture
upon the victim in association with his family members for non-
fulfilment of demand of dowry and of ousting her out of the
matrimonial house.

It is submitted by learned counsel for the petitioner that



petitioner is an innocent person and has committed no offence. Petitioner has never made any torture upon the victim and has been falsely implicated in the present case due to grudge. He has never made any dowry demand from the informant. 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*. It is submitted that the petitioner is still ready and willing to keep his wife with full honour and dignity. Petitioner has no criminal antecedent.

Learned counsel for the O.P. No.2 has submitted that the O.P. No.2 is ready to live with the petitioner, provided she is not tortured.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No. 519 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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.

(Anjani Kumar Sharan, J)

Shahnawaz/-

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