

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51739 of 2022

Arising Out of PS. Case No.-1063 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SANTOSH KUMAR JAISWAL SON OF GULAR JAISWAL R/O BHABUA
WARD NO.-2, P.S.- BHABUA, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priti Devi Wife Of Santosh Kumar Jaiswal, D/O Subash Jaiswal R/O Ward No.-2 Bhabua, P.S.- Bhabua, District- Kaimur At Bhabua, At Present R/O Village- Yadupur (YADUPUR Mor), P.S.- Sonhan, District- Kaimur At Bhabua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. 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), 323, 504, 354 and 406 of the IPC.

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.

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.1063/2021, 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)

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