

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1168 of 2022

Arising Out of PS. Case No.-768 Year-2018 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. AKHILESH YADAV @ AKHILESH KUMAR Son of Satya Narayan Yadav Resident of Ward No. 9, Ranipatti, P.S. - Kumarkhand, District - Madhepura.
 2. Rupam Devi @ Kumari Rupam Rani Wife of Akhilesh Yadav @ Akhilesh Kumar Resident of Ward No. 9, Ranipatti, P.S. - Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambha Devi D/o Late Sahdev Das Resident of Village - Charapatti, Ward No. 8, P.S. - Kumarkhand, District - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Sharda Nand Mishra, Advocate
For the State	:	Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 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 petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in



connection with Complaint case No.768 of 2018 registered under Sections 498A, 494 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner No.1 is the husband of the victim and petitioner No.2 is alleged to be the second wife of petitioner No.1. The case is triable by the Magistrate. The petitioners have 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 petitioners are named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact



that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioners, 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 their personal bond to the satisfaction of learned S.D.J.M., Madhepura in connection with Complaint case No.768/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

The petitioners are directed to co-operate with the trial. If the petitioners do not co-operate with the trial, the court below will be at liberty to cancel the bail bond of the petitioners.

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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