

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77201 of 2019**

Arising Out of PS. Case No.-835 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

SUKESH RAI Son of Jagarnath Rai Resident of Village - Simraha, P.O. and  
P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanju Devi Wife of Sukesh Rai Resident of Village - Simraha, P.S.-  
Ahiyapur, Muzaffarpur, Present Address - D/O - Lalbabu Rai, Village -  
Rajwara Bhagwan, P.S.- Mushari, District- Muzaffarpur

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr.Shantanu Kumar          |
| For the Opposite Party/s | : | Mr.Satyendra Narayan Singh |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      10-02-2022                      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.

Supplementary affidavit is filed on behalf of the  
petitioner stating the jointness of O.P. No. 2 with her father.  
Notice served upon the O.P. No. 2 is deemed to be validly  
served. None appears on behalf of O.P. No. 2.

Heard learned counsel for the petitioner and the State  
through virtual mode.

The petitioner is apprehending his arrest in Ahiyapur P.S.  
Case No. 835 of 2017 initially registered under Sections 363,



364, 498(A), 494, 379/34 of the Indian Penal Code in which, charge sheet has been submitted under Sections-323, 498(A), 494, 379/34 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-fulfillment 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. In this case, charge sheet has been submitted under Sections- 323, 498(A), 494, 379/34 of the Indian Penal Code and  $\frac{3}{4}$  of Dowry Prohibition Act. The offences are triable by the Magistrate. The petitioner is husband of the complainant/informant.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the provisional bail granted to the petitioner by order dated 27-11-2019 by a coordinate bench (then His Lordship was) of this court, 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.

**(Sudhir Singh, J)**

A.K.V.//-

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