

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23667 of 2023

Arising Out of PS. Case No.-250 Year-2019 Thana- PARSABAZAR District- Patna

BINOD KUMAR, Male, aged 48 years, S/O LATE INDRADEV SINGH,
Resident of Village- Kurthoul, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. SOBH DEVI, Female, aged 45 years, W/O BINOD KUMAR, Resident of Village- Kurthoul Gayatri Nagar, P.S.- Parsa Bazar, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Rudra Deo, Advocate
For the State : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 498(A), 384, 385, 504 and 506 of the I.P.C.

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

It has been submitted by learned counsel for the petitioner that earlier the anticipatory bail application of the petitioner was rejected vide Cr. Misc. No. 1847 of 2020 under order dated 05.10.2020, annexed as Annexure-1 to the present



anticipatory bail application. The matter relates to offence under Section 498(A) and other allied sections of the I.P.C. It has further been submitted by learned counsel for the petitioner that the matter has already been compromised between the parties vide Annexure-3 to the present anticipatory bail application. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. 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 counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the fact that the matter has already been compromised between the parties, let the petitioner, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned court below/concerned court, in connection with Parsa Bazar P.S. Case No. 250 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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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