

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28209 of 2023

Arising Out of PS. Case No.-114 Year-2019 Thana- CHIKSAUR District- Nalanda

BIRWAL SHARMA Son of Shakal Mistry Resident of village - Chiksaura
Bazar, P.S.- Chiksaura, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi Daughter of Ramesh Vishwakarma Wife of Birwal Sharma,
Resident of Village - Narahi, P.O. and P.S.- Dulhin Bazar, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered
under Section 498(A) of the Indian Penal Code.

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 due to petty family
dispute. The case is triable by the Magistrate. 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.

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, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Chiksaura P.S. Case No. 114 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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