

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31901 of 2023

Arising Out of PS. Case No.-474 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Birendra Prasad @ Birendra Ram @ Virendra Prasad @ Virendra Ram Son
Of Late Moti Prasad Resident Of Village- Pokhar Bhinda, Po And Ps-
Rampur , Karkhana, Distt- Deoria , Up At Present- R/O 3 R D Pool, Pcc
Colony, Valmikinagar, Ps- Valmikinagar, Distt- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sarita Devi Wife Of Birendra Prasad @ Birendra Ram @ Virendra Prasad @
Virendra Ram Resident Of Village- Pokhar Bhinda, Po And Ps- Rampur ,
Karkhana, Distt- Deoria , Up At Present- R/O 3 R D Pool, Pcc Colony,
Valmikinagar, Ps- Valmikinagar, Distt- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
initially registered under Sections 147, 148, 149, 323, 341, 307,
379, 498A, 354B, 427, 504, 506 of the Indian Penal Code but
later on, cognizance has been taken under Sections-147, 149,
323, 324, 379, 504 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 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. On the earlier occasion also, a case of similar nature was instituted by family members of the complainant. 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 Complaint Case No. 474 of 2022, 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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