

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34549 of 2023**

Arising Out of PS. Case No.-35 Year-2022 Thana- ARWAL MAHILA District- Jehanabad

Navin Kumar Son Of Satyendra Singh Resident Of Village- Rasulpur P.S.-  
Paras Bigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Shivani Kumari Wife Of Navin Kumar, Daughter Of Om Prakash Kumar  
Resident Of Payre Chak, P.S.- Arwal, District- Arwal.

... .. Opposite Party/s

**Appearance :**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| For the Petitioner      | : | Mr.Manoj Kumar, Advocate        |
| For the State           | : | Mr.Braj Kishore Pd., APP        |
| For opposite party No.2 | : | Mr.Vishal Vikram Rana, Advocate |

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

2      07-07-2023                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 504, 506, 313, 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Allegation is that the informant was married with the petitioner in the year 2021 and after marriage the accused persons including the petitioner committed torture and assault upon the victim due to non-fulfilment of demand of dowry. They also assaulted on abdomen of the victim, resulting into her abortion.

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. So far the offence under Section 313 of I.P.C. is concerned, counsel for the petitioner draws attention of this Court to Annexure 2 to the present application, where the abortion was carried out under the advise of the doctor as the foetus were not found to be normal. Hence Section 313 of I.P.C. is not attracted in the present case. Rest of the offences are 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 and learned counsel for the opposite party No.2, 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 learned Court below/concerned Court in connection with Arwal Mahila P.S.



case No.35 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)**

Narendra/Vikash

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