

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34194 of 2023

Arising Out of PS. Case No.-861 Year-2020 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Sanjay Kumar Son of Yugeshwar Sahni Resident of Village- Mohanpur
Dhanraj @ Khirachak, PS- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nibha Kumari Wife of Sanjay Kumar Resident of Village- Mohanpur
Dhanraj @ Khirachak, PS- Mahua, District- Vaishali and at present address
daughter of Upendra Sahani, resident of village- Desari, PS- Desari, District-
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mrs.Rupa Kumari, Advocate
For the State	:	Mrs.Shaheen Begum, APP
For opposite party No.2	:	Mr.Kunwar Ajit Singh, Advocate

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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 323, 379, 498A of the Indian Penal
Code and ³/₄ of Dowry Prohibition Act, but cognizance has been
taken under Section 498A of 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 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 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 Complaint case No.861/2020, 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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