

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35624 of 2023

Arising Out of PS. Case No.-2928 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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NITISH KUMAR, Son of Madan Kumar Singh, Resident of Dewanti Bhawan, (Aam Bagicha), Mahadevpuri, P.S. - Gardanibagh, Distt. - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. OMITA KUMARI, Wife of Nitish Kumar, D/o Ram Kumar Singh, Resident of Sitaram Bhawan, New Damariya, P.S. - Gardanibagh, Distt. - Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Amit Anand, Advocate.
For the O.P. No. 2	:	Mr. Rakesh Kumar and Mr. Ramakant Yadav, Advocates.
For the State	:	Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 323, 324, 406, 498A & 34 of the I.P.C. and ³/₄ of the D.P. Act.

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 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 counsels for the State and the opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, 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 Complaint Case No. 2928C of 2021, 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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