

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34703 of 2023

Arising Out of PS. Case No.-780 Year-2022 Thana- COMPLAINT CASE District- Jamui

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Ajay Kumar Son of Late Munshi Shah Resident of Naya Bazar, Ward No. 23,
Near to Badi Durga, Lakhisarai, Police Station- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Kumari Wife of Ajay Kumar Resident of Naya Bazar, Ward No. 23,
Near Bari Durga, Lakhisarai, Police Station- Kabaiya, District- Lakhisarai,
Presently Daughter of Abdhesh Prasad, Resident of Village- Laxmipur,
Police Station- Laxmipur, District- Jamui.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Dharmendra Kumar Raju, Advocate
For the State	:	Mr.Parmanand Prasad, APP
For opposite party No.2	:	Mr.Pranab Bardhan, Advocate
		Mr.Prashant Kumar, 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 498A, 307, 379/34 of the Indian Penal
Code and ¾ of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture
and assault 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. There is no medical examination report in support of offence under Section 307 of I.P.C. 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 Complaint case No.780(c) 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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