

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72126 of 2022

Arising Out of PS. Case No.-74 Year-2021 Thana- MAHILA P.S. District- Saharsa

AMIT KUMAR @ MITHTHU S/o Narayan Bhagat R/o mohalla- Ward No. 10, P.O.- Gali Simari, Bakhityarpur, P.S.- Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASAPAM KUMARI W/o Amit Kumar D/o Pawan Verma R/o mohalla- Ward No. 10, P.O.- Gali Simari, Bakhityarpur, P.S.- Bakhtiyarpur, District- Saharsa At present R/o Mohalla- Tapeswari Nagar, Hatia Gachhi, P.S.- Saharsa, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023

Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 341, 323, 498(A), 504 and 506/34 of the Indian Penal Code and 3/4 of D.P. Act.

The allegation against the petitioner is of torturing the informant in association of his family members on account of non-fulfillment of demand of dowry and of ousting her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any torture upon the victim and has been falsely implicated in the present case due to grudge. He has never made any dowry demand from the informant. 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. It is submitted that the petitioner is still ready and willing to keep his wife with full honour and dignity.

Learned counsel for the O.P. No.2 has submitted that the O.P. No.2 is ready to live with the petitioner, provided she is not tortured.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with connection with Saharsa Mahila P.S. Case No.74 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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.

(Anjani Kumar Sharan, J)

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