

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9224 of 2020

Arising Out of PS. Case No.-519 Year-2015 Thana- MUNGER COMPLAINT CASE
District- Munger

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Kundan Kumar Mishra @ Kundan Mishra Son Of Naresh Mishra Resident Of
Sanrhi, P.S. Tarapur, District - Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gunjan Devi Wife Of Kundan Mishra Daughter Of Sushil Jha, Resident Of
Sanrhi, P.S. Tarapur, District - Munger, At Present Residing Of Kola
Narayanpur, P.S. Jagdishpur, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha
For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-06-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner has filed the
supplementary affidavit today in Court.

Let it be kept on record.

Though, notice has been served upon the opposite
party no. 2 but no one appears on her behalf.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 504,
498A of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

Petitioner, who is husband of opposite party no2.,
is said to have ousted the opposite party no.2 from her
matrimonial home in association of his family members over the

dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. Learned counsel for the petitioner further submits that the matter was enquired into and it was learnt that the opposite party no. 2 was living with her father but some days ago she left her father's house and went away with Rohit Kumar Tanti whose name is figured in Annexure-2 and did not return though she was knowing the requirement of her appearance in court. 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**.

Considering the fact that the opposite party no. 2 has not appeared before the Court, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Complaint Case No. 519C of 2015, 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 learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

devendra/-

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