

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47111 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

SANTOSH KUMAR PASWAN Son of Sarjug Paswan Resident of Village -
Pansalla, P.S. Bath, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/o Santosh Kumar Paswan R/o Village- Pansalla, P.S. bath
and District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 07-11-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner submits that notice has been served to the opposite party No.2 and office also points out that notice was validly served upon the opposite party No. 2. but nobody has entered appearance on her behalf.

Learned counsel further submits that O.P. No.2 has not appeared in the learned court below also.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered under sections 323, 341, 498(A), 504, 506, 34 of the IPC and u/s 3/4 of Dowry Prohibition Act.



Petitioner, who is husband of the informant, is said to have committed torture upon the informant in association of his family members on account of non-fulfillment of demand of dowry.

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 dowry demand and has been falsely implicated in the present case due to grudge. There is general and omnibus allegation against the petitioner and he is ready and willing to keep his wife with full honour and dignity. 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.***

In that view of the matter, 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 Mahila P.S. Case No.01 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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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