

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45259 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

SHIVNATH PRASAD @ SHIVNATH PRASAD YADAV Son of Sheth Rai
R/v- Imaliya, P.S- Mahuwawa, Dist- East Champaran Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi @ Sunita Kumari Wife of Shivnath Prasad Yadav , daughter of Samal Rai Resident of Dapahar, P.S- Chhauradano, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2022 Heard learned counsel for the parties.

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

The petitioner apprehends his arrest in a case registered under sections 323, 498 of the IPC.

Allegation against the petitioner is of committing torture upon the victim in association with his family members for non-fulfillment of demand of dowry and of trying to burn the complainant with Kerosin oil. They took away all her stridhan and ousted her from 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, is directed to be released provisionally in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on provisional 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 Complaint Case No.05/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned Court below is directed to confirm the



provisional bail of the petitioner after satisfying himself that
petitioner is keeping his wife (opposite party no.2) with him
with full honour and dignity.

(Anjani Kumar Sharan, J)

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