

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55211 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- MAHILA P.S. District- Siwan

PRABHAT KUMAR S/o Late Phulena Prasad R/o village- Basila, P.S.-
Jalalpur, Distt.- Saran (Chapra). Petitioner/s

Versus

1. The State of Bihar
2. Shivastika D/o Shree Shiv Narayan Yadav R/o village- Bhar Ke Mathiya,
P.O.- Tarwa Pusta, P.S.- M.H. Nagar (Hasanpura), District- Siwan
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava
For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
& 498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Petitioner, who is husband of opposite party no.2.,
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. He is still ready to keep her 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 above named petitioner, be released on 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 Siwan Mahila P.S. Case No.34 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 learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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