

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5050 of 2023

Arising Out of PS. Case No.-1027 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Shivshambhu @ Sunny Sahay Son Of Jogindra Prasad Resident Of Small Flat 2895(B) Dhanas Sector- 14 Chandigarh, P.S.- Sarangpur Sector- 14 Chandigarh, District - Chandigarh, P.O. Sector, 14 Chandigarh, Pin Code - 160014.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ragni Kumari Daughter Of Munna Sah Wife Of Shivshambhu @ Sunny Sahay, Resident Of Small Flat 2895(B) Dhanas Sector- 14 Chandigarh, P.S.- Sarangpur Sector- 14 Chandigarh, District - Chandigarh, P.O. Sector, 14 Chandigarh, Pin Code - 160014, At Present Resident Of Village - Purani Bazar Narkatiaganj War No.- 02, P.S.- Shikarpur, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 504, 498(A) of the Indian Penal Code and Section 3/4 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.

Learned counsel for the petitioner submits 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 got no criminal antecedent. 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 Complaint Case No. 1027C of 2021, S.C. No. 1684 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned counsel for the petitioner submits that the petitioner is already paying Rs. 3,000/- to the opposite party no. 2 in the Domestic Violence Case No. 09 of 2021 as mentioned in para-8 of the bail application. If it is found that the petitioner has made wrong submission, the opposite party no. 2 shall be at liberty to file an application to cancel the bail bond of the petitioner.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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