

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12762 of 2023

Arising Out of PS. Case No.-935 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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KUNDAN RAJAK S/o Raja Ram Rajak R/o Village- Baraith, P.S.-
Nimachandpura, Distt- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mausam Kumari D/o Kundan Rajak R/o Panchvir- ward no. 9, P.S.-
Sahebpur Kamal, Distt- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For O.P. No.2	:	Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-07-2023 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 323, 324, 379, 498A
and 34 of the Indian Penal Code as well as under Sections 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. 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.935 “C”/2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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 Centre for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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