

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13040 of 2023**

Arising Out of PS. Case No.-148 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

MD. MONAJIR @ SHAHANSHA @ MONAJIR @ SHAHANSAH Son of
Late Usman Minya R/v- Dharhara P.O.- Barnausa, P.S.- Bena, District-
Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. NUZHAT NAZ Wife of Md. Monajir R/v- Dharhara, P.S.- Bena, District-
Nalanda and at present D/o Mosmat Sanjida Khatoon, Mohalla- Ansar Nagar
Nawada, P.S.- Bundel Khand, District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 07-07-2023 Heard the parties.

Though, the notice has validly been served upon the
opposite party no.2, but nobody appears on her behalf.

The petitioner apprehends his arrest in a case registered for
the offences punishable under Section 498(A) of the Indian Penal
Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no2., is said to
have tortured upon her physically and mentally and ousted her
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*. It is further submitted that the petitioner is ready to keep her with full honour and dignity.

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. 148 of 2019, 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.

(Anjani Kumar Sharan, J)

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