

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11857 of 2023

Arising Out of PS. Case No.-422 Year-2021 Thana- PHULPARAS District- Madhubani

SHAMBHU KUMAR @ SHAMBHU KUMAR YADAV S/o Ram Kumar
Yadav R/o Village- Dhanauja, Tola- Navtol, P.S.- Phulparas, Distt-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi W/o Shambhu Kumar @ Shambhu Kumar Yadav R/o Village-
Dhanauja, Tola- Navtol, P.S.- Phulparas, Distt- Madhubani. Presently -
Geeta Devi, D/o Laxmi Ram Yadav, R/o Village- Brahmpur, Tole-
Kisnipatti, P.S.- Phulparas, Distt- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-11-2023 Heard learned counsel for the petitioner and learned

APP for the State but in spite of valid service of notice none is

present on behalf of opposite party no.2.

2. Vide order dated 18.05.2023, notice was issued to
opposite party no.2, which was received by his father.

3. Learned counsel for the petitioner has filed a
jointness petition in which it is stated that opposite party no.2 is
residing in her Naihar with her father, hence the service of
notice may be deemed to be valid service.

4. In view of the aforesaid, service of notice upon
opposite party no.2 is deemed to be valid service.



5. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A and 379/34 of the Indian Penal Code.

6. 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.

7. 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**.

8. 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



Phulparas P.S. Case No.422/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

9. 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.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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