

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15799 of 2023**

Arising Out of PS. Case No.-5 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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PRAKASH TIWARI S/O RAMKISHUN TIWARI Resident of Village-
Firojaha, P.S.- Sewarahi, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABALI DEVI W/O PRAKASH TIWARI, D/O MANTOS TIWARI
Resident of Village- Firojaha, P.S.- Sewarahi, District- Kushinagar (U.P.), at
present D/o Mantos Tiwari, Resident of Village- Thakaraha, P.S.- Thakaraha,
District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwari, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Though the notice was validly served upon the
opposite party no.2, but nobody has entered appearance on her
behalf.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
323, 504 of the Indian Penal Code and $\frac{3}{4}$ of D.P. Act.

4. 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.

5. 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.

6. 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. 05 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. 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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