

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23382 of 2022

Arising Out of PS. Case No.-1076 Year-2019 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAKESH KUMAR Son of Chandeshwar Mahto Resident of village - Govind
Fandah, P.S.- Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi Daughter of Lal Bahadur Kushwaha Resident of village -
Chandauli, P.S.- Belsand, District - Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 07-08-2023 By order dated 07.11.2022, notice was issued to

opposite party no.2, which has been received by his father.

2. Learned counsel for the petitioner has filed a

supplementary affidavit in which it is stated that opposite party
no.2 and her father are residing in the same premises jointly and
having no adverse interest to each other.

3. In view of the aforesaid, notice issued to opposite
party no.2 is deemed to be validly served.

4. Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice, there is no
representation on behalf of opposite party no.2.

5. The petitioner apprehends his arrest in a case



registered for the offences punishable under Section 498A/34 of the Indian Penal Code.

6. 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.

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 Complaint Case No.CI-1076 of 2019, 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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