

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34770 of 2023

Arising Out of PS. Case No.-940 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VIVEK KUMAR Son of Late Manoj Sah Resident of Village - Gahri Kothi,
P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Roshni Priya Wife of Vivek Kumar Daughter of Anil Kumar Sah, Resident of Village - Misrauli Patkhauri, P.O.- Patkhauri, P.S.- Sanichari, District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita
For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-11-2023 Heard learned counsel for the parties.

2. Learned counsel for the O.P. No. 2 has filed an affidavit on behalf of O.P. No. 2, in which he stated that the complainant/O.P. No. 2 has instructed him not to appear in this case and, therefore, his vakalatnama may be ignored by this Court.

3. Considering this fact, let the name of the learned counsel for O.P. No. 2 shall be deleted from the cause title.

4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498A and 504 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



5. 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.

6. Learned counsel for the petitioner submits that the petitioner is an innocent person and has committed no offence. He submits that the petitioner is the husband of the complainant and has always performed his part of marital obligation, but the complainant never wanted to live with the petitioner. 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 no criminal antecedent as mentioned in para-3 of the bail application.

7. 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. 940(C) of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C..



8. 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 one time settlement.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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