

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35137 of 2023

Arising Out of PS. Case No.-1033 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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PREMANAND UPADHYAY @ ANJAN Son of Ashok Upadhyay Resident
of Village - Raipura, P.S.- Bheldi, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kshma Devi Wife of Premanand Upadhyay @ Anjan D/o Kumar Anand
Bhushan Pathak, Presently residing at village - Saidсарai, P.S.- Garkha,
District - Saran at Chapra

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 498A of the Indian
Penal Code.

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.

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**.

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.1033 of 2021, 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 learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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