

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36683 of 2023

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S. District- Vaishali

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ATISH KUMAR @ ATISH KUMAR SAHANI S/O LAL BABU SAHANI
R/O Village-Vishunpur Arra, P.S.-Goraul, Dist.-Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar
For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 323, 504, 506, 498A, 376 and 511 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of informant/complainant, is said to have ousted the informant/complainant from her matrimonial home in association of his family members over the dowry demand.

4. 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. He is still ready to keep her with full honour and dignity. It is submitted that the petitioner filed a divorce petition before the learned Principle Judge, Family Court, Vaishali, bearing divorce case no.50 of 2019, thereafter the informant/complainant has filed the present case against the petitioner. 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**.

5. Considering the facts and circumstances of the case, 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 Mahila P.S. Case No.26 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. 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.



7. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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