

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40770 of 2022

Arising Out of PS. Case No.-935 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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1. Chaturbhuj Kumar Pathak S/O Jawahar Pathak Resident Of Village- Pakaria, P.S.- Uda Kishunganj, District- Madhepura. At Present Residing At Pradeep Naidu Building 121 Benkateshwar Layout Saibaba Mandir Road Bangalore (karnataka) Pin.- 560037 (India).
 2. Jawahar Pathak S/O Nageshwar Pathak Resident Of Village- Pakaria, P.S.- Uda Kishunganj District- Madhepura. At Presetnt Resident Of Katihar Rajendra Gram Ward No.26 (Near Bari Durga Asthan)), P.S. And District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Pathak W/O Chaturbhuj Kumar Pathak Residing At Vidyapati Nagar, Ward No.19 Of Saharsa, P.S.- And District- Saharsa.
3. Prem Mohan Jha S/O Late Ramehswar Jha Resident Of Sarauli Kala, P.S.- Bihariganj, District- Madhepura, Presently Residing At Vidyapati Nagar, Ward No.19 Of Saharsa, P.S. And District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar Singh
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-01-2023 Heard learned counsel for the parties.

Learned counsel for the petitioners undertakes to
remove the defects, if any, within three weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 406,
498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act

Petitioner no. 1, who is husband and petitioner no.
2 is father-in-law of opposite party no. 2 are 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 petitioners that the petitioners are an innocent person and have committed no offence. Petitioners have neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. They are still ready to keep her with full honour and dignity. The petitioners have 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 petitioners, be released on anticipatory bail, in the event of their 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) each 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. 935(C) 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 one time settlement.

(Anjani Kumar Sharan, J)

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