

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41935 of 2023

Arising Out of PS. Case No.-14 Year-2017 Thana- MAHILA PS District- Jehanabad

SRI NIWAS YADAV S/O KAMESHWAR YADAV R/O Village-
Kanchanbigha, P.S- Mehandia, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kusum Kumari D/O Nageshwar Singh R/O Village- Siwabigha, P.S-
Haspura, Distt.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mrs. Sangeeta Sharma
Mr. Surya Swetabh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-10-2023 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 498A, 34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. 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.

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. 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. 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 Arwal Mahila P.S. Case No.14 of 2017, 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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