

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54599 of 2022

Arising Out of PS. Case No.-370 Year-2020 Thana- COMPLAINT CASE District- Banka

MANOJ KUMAR THAKUR S/o Late Nandkishor Thakur Resident of
Village- Baja, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Hemlata Kumari @ Devi W/o Manoj Kumar Thakur Resident of Village-
Baja, P.S.- Amarpur, District- Banka, At present D/o Janki Thakur, R/o
Village and P.O. Maheshadih, P.S.- Banka, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Mukherjee
For the Opposite Party/s :	Mr. Rajeev Nayan
	Mr. Sanjay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 18-09-2023 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, 323 of the Indian Penal Code and Section 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. There is no specific overt act against the petitioner. He is still ready to keep her with full honour and dignity. He further submits that he has filed a supplementary affidavit in the present case in which he has stated that the O.P. No.2 has solemnized second marriage and for this a certificate has also been given by the Mukhiya. 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. Learned counsel for the complainant as well as learned APP for the State opposed the prayer for grant of bail. It is submitted by the learned counsel for the complainant that the O.P. No.2 is residing somewhere in Delhi but he has no information regarding her address.

6. 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.370 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

7. 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.

8. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

