

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70980 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- CHAKAND District- Gaya

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ABHIJEET KUMAR Son of Sri Arun Dubey R/V- Bhikhanpur, P.S- Chakand,
Dist- Gaya. Petitioner/s

Versus

1. The State of Bihar.
2. Munni Kumari Daughter of Late Sukhdeo Yadav At present R/V- Bijapath,
New Mubarakpur, P.S- Shahpur, P.O- Danapur, Dist- Patna

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned

APP for the State. In spite of valid service of notice, none is

present on behalf of opposite party no.2

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 341, 323,
498A & 494 of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act.

3. Petitioner, who is so called 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. It is further submitted that neither the petitioner is the husband of the informant as he has never married with her nor the petitioner is any way concerned with the informant, as such there is no question of demand of dowry or love affairs with the informant. The fact of the matter is that the petitioner is posted as a constable in Indian Army and posted at Laddakh, who was an unmarried person and his marriage was solemnized on 22.05.2021 with one Surbhi Kumari as per Hindu rites and customs. It is further submitted that the informant is a corrupt and criminal minded lady and she wanted to extort money from the petitioner and with such intention she made attempt to marry with the petitioner and on refusal thereof, this false and fabricated case has been lodged against the petitioner and his family members. 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 as well as the fact that in spite of valid service of notice upon opposite party no.2, no one is present on her behalf to contradict the submission made by learned counsel for the petitioner that the petitioner is not the husband of opposite party no.2, 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 Chakand P.S. Case No.152 of 2021, 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.

7. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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