

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74659 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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RAMESH MUSAHAR S/o- BABULAL MUSAHAR Village- Umapur Ps-
Bhagwanpur Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dukhani Devi wife of Ramesh Musahar Village- Umapur Ps- Bhagwanpur
Dist- Kaimur at Bhabua D/o- Shashikant Musahar Village- Padhausi Dihara
Ps-Kochas Dist- Rohtas at Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP
	:	Mr. Pawan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered under Sections 323, 498(A), 406, 494 and 34 of the Indian Penal Code but cognizance has been taken under Section 498(A) of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. Allegation against the petitioner is of committing torture upon the victim in association with his family members for non-fulfilment of demand of dowry and of ousting her out of the matrimonial house.



4. It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any torture upon the victim and has been falsely implicated in the present case due to grudge. He has never made any dowry demand from the informant. The O.P. No.2/complainant has developed her relation with one Santosh Musahar who is husband of her sister and she is living with him since long time and on 30.09.2023 Umesh Dubey Mukhiya of the village panchayat Sariya, have issued a certificate in this regard as mentioned in para-12 of the bail application. 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.*** It is submitted that the petitioner is still ready and willing to keep his wife with full honour and dignity.

5. Learned counsel for the O.P. No.2 has submitted that the O.P. No.2 is ready to live with the petitioner, provided she is not tortured.

6. Considering the statement made in para-12 of the application, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on



furnishing bail bonds 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.178 of 2023, 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 Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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