

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7974 of 2023

Arising Out of PS. Case No.-782 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MD. MOSIM @ MD. MOSHIM Son of Late Md. Monaf Resident
Lauwalagam, Ward No. 7, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. HASINA KHATOON Wife of Md. Mosim, D/o Md. Makhbul R/o
Latambari, P.S.- Bhawanipur, District- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 09-01-2024 Heard learned counsel for the petitioner and learned

APP for the State but in spite of valid service of notice none is

present on behalf of opposite party no.2.

2. Notice was issued to opposite party no.2 but the
same was received by her mother. Learned counsel for the
petitioner has filed a jointness petition and in para-3 of the said
petition it is clearly stated that opposite party no.2 is living with
her mother at the location and address as stated in the petition.
They are joint in terms of the staying together and having shared
expenses and household articles. Hence, the service of notice
upon opposite party no.2 is deemed to be valid service.

3. The petitioner apprehends his arrest in a case



registered for the offences punishable under Section 498A of the Indian Penal Code.

4. Petitioner, who is husband of opposite party no.2., is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

5. 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. He is still ready to keep her with full honour and dignity. 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**.

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.782 of 2022, 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)

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