

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21287 of 2024

Arising Out of PS. Case No.-1614 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Bipin Kumar @ Bipin Mahto S/o Bipat Kumar R/o Vill - Bateliya, P.S. -
Bibhutipur, Dist. - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deepshikha Kumari D/o Pawan Mahto, W/o Bipin Kumar @ Bipin Mahto
R/o Vill - Boriya, P.S. - Bibhutipur, Dist. - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In pursuance of the order dated 04.04.2024, notice was issued to O.P. No.2 via both process, but the undelivered registered covered notice has been returned with report i.e refused to accept and since the notice was refused, as such, it is deemed to have been validly served.

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

4. Petitioner, who is husband of opposite party no2., is



said to have tortured upon her physically and mentally 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. No such occurrence as alleged has ever taken place. He has been made accused in the present case due to ulterior motive. He has neither made any dowry demand nor tormented her over the demand of dowry. The real fact is that the complainant did not want to live with her husband and her in-laws since very beginning and therefore, she herself left her matrimonial house within four months of her marriage. Thereafter, only with a view to harass the petitioner and his family members, the present case has been lodged. 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 further submitted that the petitioner is ready to keep her with full honour and dignity. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

6. Learned APP for the State opposes the prayer for bail.

7. 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. 1614 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. 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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