

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25196 of 2023

Arising Out of PS. Case No.-803 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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Mandeep Kumar Tiwari Son of Subash Kumar Tiwari Resident of village-
Swami Viveka Nand Colony, New Zero Mile, Ahiyapur, P.S.-Ahiyapur,
District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Pallav Daughter of Shiv Shankar Singh Resident of village-Krishna
Nagar, P.S.-Motihari Town, District-East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mrs. Rashmi Jha,Adv. Mr.Abhishek Kumar, Adv.
For the State	:	Mr.Nagendra Prasad,APP
For the O.P.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 08-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of informant/opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Sections 498A, 323, 376, 511, 307, 406, 452,
120B, 34 of the Indian Penal Code and Section 3 / 4 of the
Dowry Prohibition Act.

3. As per prosecution case, the opposite party no. 2 was
married with this petitioner on 02.05.2013 as per Hindu Rites
and Rituals, and was blessed with two daughters and thereafter,



the attitude, conduct and behaviour of petitioner and his family members suddenly changed towards the opposite party no. 2 and she was subjected to cruelty and harassment due to non-fulfillment of demand of Swift Car, as dowry, and lastly, she was compelled to leave her matrimonial house.

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he is husband of the opposite party no. 2. Petitioner has never demanded any dowry or committed torture with opposite party no. 2 and still, he is ready to keep her with children with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioner has further 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*. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar Motihari, East Champaran in



connection with Motihari Town P.S. Case No. 803 of 2014,
subject to the conditions, as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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