

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38905 of 2024

Arising Out of PS. Case No.-711 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Ashish Prakash SON OF Jai Parkash Yadav VILLAGE- MADHEPURA
WARD NO. 5 PROFESSOR COLONY PO AND PS AND DIST-
MADHEPURA, (SHRI OM SAI HOSPITAL MADHEPURA)

... .. Petitioner/s

Versus

1. The State of Bihar
2. DAIZY KUMARI WIFE OF ASHISH PRAKASH, DAUGHTER OF SHIV KUMAR YADAV VILLAGE- MADHEPURA WARD NO. 5 PROFESSOR COLONY PO AND PS AND DIST- MADHEPURA, (SRI OM SAI HOSPITAL MADHEPURA) P/A- HANUMAN NAGAR WARD NO. 11, CHANDAU, PS- SAUR BAZAR, DIST- SAHARSA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.
For the Opposite Party/s : Mrs.Nirmala Kumari, APP
Mr.Satish Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 13-11-2024 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 323, 341, 504, 506, 498(A), 379 of
the IPC as well as sections 3/4 of the D.P. Act but cognizance was
taken u/s 504, 506, 498(A)/34 of IPC and 3/4 of D.P. Act.

3. Allegation against the petitioner is of committing torture
upon the complainant due to non-fulfillment of demand of
dowry and also of ousting her out of the house.

4. Earlier, the matter was referred to the Mediation Center



but the matter could not be settled.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The petitioner has never made any dowry demand nor tortured the complainant. Cognizance has been taken u/s 504, 506, 498(A)/34 IPC and $\frac{3}{4}$ of the D.P. Act. Earlier, the petitioner has filed divorce case bearing no.25/2022 before the Family Court, Madhepura against the O.P. No.2 on 02.08.2022 and after receiving notice in the divorce case, she has filed the present case against the petitioner. It is further submitted that the complainant has filed a Maintenance case bearing No.101/2023, in which, an interim order was passed by the Family Court directing the petitioner to pay Rs.3000/- per month to the complainant.

6. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, 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.711 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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