

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40241 of 2024

Arising Out of PS. Case No.-1063 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Ashok Tiwari Son of Late Shrikant Tiwari Resident of Village - Mohanpur,
Police Station - Sikraul, District - Buxar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi Wife of Ashok Tiwari Daughter of Rama Shankar Pandey,
Resident of Village - Mohanpur, Police Station - Sikraul, District - Buxar
(Bihar) presently residing at Saraiya, P.O.- Baikunthpur, Police Station -
Sikraul, District - Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Ms. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 498A of the Indian Penal Code and Sections 3 and 4 of
the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 27.09.2024, it would
manifest that the same records that ordinary notice has been
received by uncle of the O.P. No. 2 while registered notice has
been received by father of O.P. No. 2. Since the registered



notice has been received by father of O.P. No. 2, hence, the notice is deemed to have been validly served.

4. The learned counsel next submits that complainant alleges that her marriage was solemnized with the petitioner on 21.05.2019, after marriage on 22.05.2019, all the accused persons including the petitioner started demanding dowry of Rs. 1 lacs along with motorcycle and a gold chain, accordingly the complainant informed her father who came and showed his inability to fulfil the demand. It is next alleged that when father of the complainant came to pacify the issue, the father-in-law of the complainant negotiated. It is next alleged that her mother-in-law had died earlier and father-in-law died subsequently and after the death of her father-in-law the accused persons started torturing her mentally, physically and finally ousted her on 19.09.2022, after snatching her *stree dhan*.

5. The learned appearing on behalf of the petitioner submits that petitioner being husband has been falsely implicated in the instant case by the complainant. It is next submitted that allegation of demand of dowry and torture is general and omnibus in nature. It is next submitted that from perusal of the order impugned, it would manifest that the O.P. No. 2 before the learned District Court had taken a firm stand



that she does not intend to stay with the petitioner on account of torture meted out to her. It is next submitted that it absolutely does not stand to reason that as to what kind of torture was meted out to the O.P. No. 2 on account of which she does not want to stay with the petitioner when from perusal of the allegation as alleged in the complaint, it would manifest that the allegations are general and omnibus in nature.

6. The learned counsel appearing on behalf of the petitioner, Mr. Suraj Kumar Tiwari based on instructions submits that O.P. No. 2 has performed her second marriage and this perhaps explains why she before the learned trial court took a stand of not accompanying the petitioner, it is also submitted that even after receiving notice validly, the O.P. No. 2 chooses not to appear and contest.

7. The learned APP for the State opposes the anticipatory bail application of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 1063C of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application, seeking cancellation of the anticipatory bail application granted to the petitioner, in the event, if she has not performed her second marriage, the learned trial court is directed to hand over a copy of the order to the learned counsel appearing on behalf of O.P. No. 2 before the learned trial court for perusal of O.P. No. 2.

10. **The application stands allowed.**

(Satyavrat Verma, J)

Sudhanshu/-

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