

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54402 of 2023

Arising Out of PS. Case No.-970 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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JITENDRA KUMAR @ JITENDRA YADAV S/O ARJUN YADAV R/O
VILLAGE- KATHDUMAR OP. KANARIYA PS. BAKHTIYARPUR, DIST.
SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. MANISHA KUMARI W/O JITENDRA YADAV, D/O RAMSAGAR
YADAV R/O VILLAGE- SIRWAR WARD NO. 03, PS. MAHISHI, DIST.
SAHARSA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Though, notice was sent to the O.P. No.2 but the O.P.
No.2 refused to receive it. As such, notice is deemed to be
validly served upon the O.P. No.2.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 323, 379,
498A, 504, 506 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

4. Petitioner, who is husband of opposite party no2., 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. Petitioner has no criminal antecedent. 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.970C 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 is allowed.

(Anjani Kumar Sharan, J)

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