

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68714 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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BIRENDRA KUMAR SHIVAM son of Yugal Kishore Sah Mohalla-
Jagarnath Mandir Barmasia Ps- Sahayak Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shalu Kumari D/o- Shankar Prasad, W/o- Brendra Kumar Shivam P/A-
Bankipur Gorakh Ganjpar Po Ps- Fatuha Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-04-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 160/2023 registered for the offences punishable under Sections 323, 341 and 498(A) of the Indian Penal Code.

3. Petitioner, who is husband of opposite party no 2., is said to have tortured the opposite party no. 2 in association of his family members over the dowry demand.

4. 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. 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.*

5. In that view of the matter, let the above named petitioner, be released on anticipatory 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 Sri Pratik Shail, learned Judicial Magistrate 1st Class, Patnacity, Patna where the case is pending/successor Court in connection with Complaint Case No. 160/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. 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 one time settlement.

7. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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