

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67257 of 2024

Arising Out of PS. Case No.-237 Year-2022 Thana- DELHA District- Gaya

Prakash Shahu @ Prakash Kumar son of Surendra Sao Resident of Village-
Barki Delha Paraiya Road, Near Ram mandir PS -Delha District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Gupta Wife of Prakash Shahu @ Prakash Kumar Resident of Village-
Barki Delha Paraiya Road, Near Ram mandir PS -Delha District- Gaya at
P/A- Ashok Kumar, 59/e/5, Dagoli, Ps- Dutiya Dagoli Govind Nagar, Dist-
Kanpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-03-2025 Heard Learned Counsel for the petitioner, Learned
APP for the State and Learned Counsel for the O.P. No.2.

2. The petitioner is apprehending arrest in a case
registered for the offences punishable in connection with Delha
P.S. Case No.237 of 2022 under Sections 438A of the Indian
Penal Code read with Section 3/4 of the D.P. Act.

3. As per the prosecution, the FIR has been lodged
against 4 named accused persons including the petitioner against
whom there is allegation that there is continuous demand of
dowry at the hand of all the accused persons and also tortured
by keeping the son of the informant with them and upon
repeated request, they are not returning the child of the



informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the present matter has been raised before the Mediation Centre, but the matter has not been settled and mediation failed. He further submits that the petitioner is residing at Gaya whereas his wife is residing at Kanpur, she is not ready to come.

5. Counsel also submits that petitioner's antecedent is clean.

6. Counsel for the O.P. No.2 on the other hand submits that the petitioner has entered into second marriage, and therefore, she is not ready to live together.

7. Learned APP for the State opposes the prayer for bail.

8. As such, this Court is very much surprised that even granting opportunity to enter into settlement, parties have not entered into settlement and not ready to settle this issue.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand)



with two sureties of the like amount each to the satisfaction of J.M.F.C., Gaya in connection with Delha P.S. Case No.237 of 2022, subject to the following conditions as laid down under Section 438(2) of Cr.P.C.

(Dr. Anshuman, J.)

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