

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76225 of 2024

Arising Out of PS. Case No.-1972 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Lavkush Kumar @ Lavkush Sah Son of Krishna Sah Resident of Village
Gariba Tola, Sitab Diyara, P.O.- Gariba Tola, P.S.- Rivilganj, District- Saran at
Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Wife of Lavkush Kumar @ Lavkush Sah Resident of Village
Gariba Tola, Sitab Diyara, P.O. Gariba Tola, P.S. Rivilganj, District- Saran at
Chapra. At present residing at Village- Porha (Forha), P.S.- Krishnagarh,
District - Bhojpur at Arrah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioner, Learned

APP for the State and Learned Counsel for

complainant/opposite party no.2

2. The petitioner is apprehending arrest in connection
with Complaint Case No.1972(C) of 2023, in which cognizance
has been taken for the offences punishable under Sections
498(A) of the Indian Penal Code read with sections 3/4 of the
Dowry Prohibition Act.

3. As per the prosecution, the present complaint case
has been filed by the complainant/opposite party no.2 against
the petitioner in which allegation of demand of dowry and



torture by husband and in-laws have been made.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that complainant/opposite party no.2 was eloped with her boyfriend and in this regard, FIR has been filed by father of opposite party no.2 bearing Rivilganj P.S. Case No.149 of 2023. In the said case, she was recovered by the police and the accused Manish Kumar with whom she was eloped has taken bail before the Sessions Court and the plea was made by the said Manish Kumar that the said opposite party no.2 was residing with him as per her full consent. Counsel further submits that present case has been filed in coercion by her and family members. Counsel also submits that he is not ready to live with his wife. Counsel further submits that petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Learned Counsel for the complainant/opposite party no.2 on the other hand submits that she is ready to live with her husband and ready to enter into mediation. Counsel requests to this Court to settle this dispute in mediation also.

7. As such, considering the aforesaid facts and



circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below 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 the Sub-Divisional Judicial Magistrate, Bhojpur at Arrah in connection with Complaint Case No.1972(C) of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

8. It is made clear that course of mediation for settling their dispute is always open for the parties when they are at consent to settle. Liberty is hereby granted to both parties that whenever they want to settle the matter, they may settle their dispute before any mediation center either at concerned Civil Court or High Court.

(Dr. Anshuman, J)

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