

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18964 of 2020

Arising Out of PS. Case No.-282 Year-2018 Thana- MOKAMAH District- Patna

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SAROJ KUMAR @ SAROJ KUMAR KUKURWAR Son of Rajendra Prasad
@ Rajendra Prasad Verma Resident of Village - Kukurwar, P.S.- Telhara,
District- Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rani Kumari Wife of Saroj Kumar @ Saroj Kr. Kukurwar, D/O- Late Amit Kumar Verma R/O Mohalla - Badhi Tola, Ward No. 17, P.S.- Mokama, District- Patna

... .. Opposite Party/s

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For the Petitioner/s :	Mr Sunil Prasad, Advocate
For the Opposite Party/s :	Mr Dilip Kumar No 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-09-2020 Due to inadvertence, it is stated that it has wrongly been mentioned that the petitioner is in custody since 20.06.2018. The correct statement, as per petitioner's counsel, is to be found in paragraph 13 of the petitioner wherein it has been stated that the petitioner is in custody since 13.01.2020.

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.



Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Mokama Police Station (for brevity, *PS*) Case No 282 of 2018 instituted for the offence punishable under Section (s) 498A, 323, 379 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

Allegation is that the petitioner, along with his family members, has been pressurizing the informant to fulfill the demand of dowry. In this connection, she has been abused and assaulted.

Petitioner is the husband and it is submitted that he is willing to maintain the informant with full dignity.

From the order of the learned Court below rejecting the petitioner's prayer for bail, it is apparent that the informant expressed her unwillingness to live with the instant petitioner in the family home suspecting that there would be danger to her life.

Petitioner's counsel submits that it is a false case. In fact it is the informant who is not interested in continuing in matrimonial accord with the petitioner and the prosecution is based on extraneous considerations.

Earlier, this Court had directed for issuance of notice



upon Opposite Party No 2 (informant). Till date, the office has reported that neither the undelivered registered cover has been returned nor there is any appearance on behalf of Opposite Party No 2.

Let the Court below, on the next date fixed in the matter, release the petitioner on provisional bail in view of the undertaking being given by the learned counsel for the petitioner that the petitioner would be making efforts to resolve the dispute by an amicable settlement.

The petitioner's counsel further agrees that he would be under legal obligation to pay Rs 5,000/- (Rupees Five Thousand) per month to the informant for the period of provisional bail which shall be for three months.

If the parties arrive at an amicable settlement, the bail shall be confirmed.

If, on the other hand, issue is not resolved, the Court below would be at liberty to pass order in accordance with law keeping in view the developments in the meantime.

This application is disposed of.

(Madhuresh Prasad, J)

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