

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2614 of 2020

Arising Out of PS. Case No.-579 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Krishna Kumar Jha Son Of Devendra Jha Resident Of Village And P.O. -
Kothiya, P.S.- Bhairavasthan, Distt - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Preety Kumari D/O Hemkant Thakur Resident Of Mohalla - Sharda Nagar
Rosera, P.O. And P.S.- Rosera, Distt - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 27-06-2022 Heard learned counsel for the parties.

Petitioner and opposite party no. 2 is present in the

Court.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 498A of

the Indian Penal Code.

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.

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**.

Learned counsel for the opposite party no. 2 submits that the petitioner has already filed the divorce case in the Family Court, Madhubani.

However, the petitioner is ready to give Rs.10,000.00 (Rupees Ten Thousand) per month as maintenance to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

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 the learned Court below where the case is pending/successor Court in connection with C.R. Case No. 579 of 2018, Corresponding to T.R. No. 1214 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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.

Petitioner is directed to comply the order dated 12.05.2022. Opposite party no. 2 is also directed to file the receipt in this regard.

(Anjani Kumar Sharan, J)

devendra/-

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