

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4557 of 2020

Arising Out of PS. Case No.-3637 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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AVINASH KUMAR @ AWINASH KUMAR Son of Nand Kishore Thakur
Resident of Village - Suratpur Panapur Karait, P.S.- Kanti, Dist.- Muzaffarpur,
Presently residing at Bhavan No. LIG 6, Dabauli, Bhag-02, Kanpur Nagar,
P.S.- Kanpur, Dist.- Kanpur (U.P.)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Deepa Sharma W/o Avinash Kumar @ Awinash Kumar , D/o Hariom Sharma, Presently Resident of Village - Baijalpur, Naya Tola, P.S.- Sonpur, Dist.- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Binod Singh
For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

13 21-07-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A, 323 & 379/34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no.2, 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. He is still ready to keep her with full honour and dignity. 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**.

In that view of the matter, let the above named petitioner, be released on 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 Complaint Case No.3637/2018 (T.R. No.3315/2019), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.5,000.00 (Rupees Five Thousand) per month to opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.



It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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