

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7165 of 2022

Arising Out of PS. Case No.-2362 Year-2019 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANISH THAKUR Son of Ajay Thakur Resident of Village - Kolhanta Patori, P.S. - Moro, District - Darbhanga, at present residing Near Nahar Par (Khairi Pool), Haryana Karnal, Bihar Part - II Near Sarva Gramin N.C.R. Bank, Faridabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari W/o Manish Thakur, D/o Sushil Mishra R/o Ramdayalu nagar, Infront of Muktinath Mandir, Gonipur, P.S. - Kagee Mahamadpur, Dist. - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 498(A)/34 of the Indian Penal Code and 3/4 D.P. Act.

The allegation against the petitioner is that he along with other co-accused persons showed cruelty towards the informant for demand of money from the informant. It is further alleged that the brother of the petitioner tried to outrage her modesty to which she complained to her in-laws but they blamed the informant and assaulted her.

It is submitted by learned counsel for the petitioner that



the petitioner is quite innocent and has committed no offence. Petitioner has never made any dowry demand and has been falsely implicated in the present case due to grudge. There is general and omnibus allegation against the petitioner. Petitioner has no criminal antecedent. 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 O.P. no.2 submits that the petitioner has married another girl, so there is no possibility to reside with the petitioner.

In view of the matter, let the above named petitioner be released on bail, in the event of her 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 Complaint Case No. 2362 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.10,000/- (Rupees Ten Thousand) per month to opposite party No.2 in the first week of



every month for a period of one year, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that 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 cancellation of the bail bond of the petitioner.

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

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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