

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24426 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- MAHILA PS District- East Champaran

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OM PRAKASH KUMAR @ OM PPRAKSH KUMAR RAM SON OF SHIV
RAM RESIDENT OF VILLAGE- RUPDIH, P.S.- MOTIHARI MUFFASIL,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJU DEVI DAUGHTER OF RAJENDRA RAM RESIDENT OF
VILLAGE- TALWA DIPAU, P.S.- KOTWA, DISTRICT- EAST
CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar
For the Opposite Party/s :	Mr.Prateek Tandon
	Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 27-06-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered under sections 498(A), 406/34 of the IPC and sections 3/4 of Dowry Prohibition Act.

Petitioner, who is husband of the informant, is said to have committed torture upon the informant in association of his family members on account of non-fulfillment of demand of dowry and thereafter ousted her out of the matrimonial house.

Vide order dated 02.12.2021, matter was sent to the Mediation Centre, Patna High Court but as per report at Flag 'A', the mediation proceeding could not be initiated due to



Covid-19 pandemic.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any dowry demand nor has made any cruelty upon the informant and he has been falsely implicated in the present case due to grudge. There is general and omnibus allegation against the petitioner and he is ready and willing to keep his wife 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*. It is submitted that the opposite party no.2 has filed a Maintenance case in the court below, which is pending.

In that view of the matter, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Motihari Mahila P.S. Case No.55 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



Petitioner is ready to pay Rs.2000/- (Rupees Two 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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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