

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26868 of 2021

Arising Out of PS. Case No.-5089 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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NEERAJ KUMAR @ NIRAJ KUMAR Son of Shri Sudarshan Prasad
Resident of Village - D-204, Rail Vihar, Sector- 47, Subhash Chowk, Islampur
South City-II, Gurugram (Haryana).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alka Kumari W/o Sri Neeraj Kumar @ Niraj Kumar, D/o Sri Raghunath Prasad Resident of Village - Flat No.103, Divya Ganga Apartment, G.D. Puram, Bhupatwan, Behind jain Mandir, haridwar Pin Code-249410 (Uttarakhand), at present C/O Nilesh At Tankghar, Ramjitank, Mithapur, B. Area, P.S.- Jakkanpur, Dist.- Patna, Pin Code 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv
For the Opposite Party/s : Mr. Mithilesh Kumar Upadyay, APP
Mr. Raju Prasad, Adv
Mr. Prem Kumar Jha, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 21-07-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 323, 498A of the Indian Penal Code.

The allegation against the petitioner is that he along with his father and mother showed cruelty towards the informant, due to the birth of a girl child. Petitioner also kicked his wife out of her matrimonial home.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. Petitioner has never showed any cruelty towards the informant



and 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.*

In 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 Complaint Case No. 5089(C) 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 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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