

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29057 of 2021

Arising Out of PS. Case No.-144 Year-2018 Thana- NIRMALI District- Supaul

RAKESH KUMAR CHOUDHARY @ RAKESH KUMAR Son of Late Hari Narayan Choudhary Resident of Village - Pirhauri, P.S. - Alinagar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari wife of Rakesh Kumar Choudhary Resident of Village/Mohalla - Nirmali Ward No. 11, P.S. - Nirmali, District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP
Mr.Jitendra Kumar Giri, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-09-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks.

The petitioner apprehends his arrest in a case registered u/s 498(A)/34 of the IPC and $\frac{3}{4}$ 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.

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 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 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 Nirmali P.S. Case No.144 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.5000/- (Rupees Five 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.

Learned court below is directed to issue notice upon the O.P. No.2/informant and direct her to furnish the bank account details, so that the amount may be deposited.



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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