

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30094 of 2021

Arising Out of PS. Case No.-59 Year-2019 Thana- BUDHUCHAK District- Bhagalpur

Nishikant Yadav @ Nishikant Kumar S/o Tarkeshwar Yadav R/o Village-
Budhuchak, P.S-Budhuchak, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in Budhuchak
P.S. Case No.59 of 2019, registered for the offences punishable
under Sections 341, 323, 379, 504, 498A and 34 of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner and other in-laws of the informant are
said to have tortured the informant physically and mentally for
non-fulfillment of demand of additional dowry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is general and omnibus allegation against
the petitioner. It is further submitted that the marriage of the
informant had been solemnized with one Navin Kumar Mandal



@ Dhoria and she has three children out of the wedlock. The husband of the informant, namely, Navin Kumar Mandal @ Dhoria is still alive. It is also submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is the husband of the informant but he is denying the fact that the informant is his wife.

Having considered the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Budhuchak P.S. Case No.59 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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 Centre for the purpose of reconciliation or one time settlement.



Further, petitioner is ready to pay Rs.2000/- (rupees two thousand) per month to the informant for a period of one year, within which period, it is expected that the informant shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either ad interim or final, passed by learned Family Court.

It is also made clear that in case of failure to pay Rs.2000/- continuously for three months, the informant would be at liberty to move for cancellation of bail bond of the petitioner before the learned court below itself.

(Anjani Kumar Sharan, J.)

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