

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25904 of 2022

Arising Out of PS. Case No.-2469 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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Amit Kumar Nirala Son of Dr. Mahendra Prasad R/o Village & P.O. Akhgaon,
P.S.- Sandesh, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Niva Kumari Wife of Amit Kumar Nirala and D/o Late Ganesh Singh R/o
Digha Ghat, Batipul, Pillar No.-27, P.S.- Digha, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rajesh Kumar
For the Opposite Party/s :	Mr.Braj Kishore Pd.(App)
	Mr. Praveen Kumar
	Mr. Akhilesh Kumar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 498(A), 120B of
the Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

Petitioner, who is husband of opposite party no.2, is said
to have ousted the opposite party no.2 from her matrimonial home
in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that
the petitioner is an innocent person and has committed no offence.
Petitioner has neither made any dowry demand nor drover her out
of her matrimonial home nor tormented her over the demand of



dowry. He is still ready to keep her 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 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 connection with Complaint Case No.2469(C) of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.5000/- (rupees five thousand) per month to opposite party no.2 in the second week of every month for a period of one year. 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 bail bond of the petitioner.

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

Learned counsel for the opposite party no.2 is directed



to make available the bank account details of opposite party no.2
in the learned court below.

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 for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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