

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35670 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- DALSINGHSARAI District- Samastipur

Nilesh Raj Son of Shri Navin Chandra Jha Resident of Mohalla VIP Colony,
Town and P.S.-Dalsinghsarai, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhay Shankar Singh, Advocate
For the Opposite Parties :	Mrs. Sucheta Yadav, APP
	Mr. Bijya Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 28-06-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 323, 341, 498A and 504/34 of the Indian Penal Code.

Petitioner, who is husband of opposite party no2., 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 drove 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. It is further submitted that the present case has been filed as a counter blast of earlier Divorce Case No.1/2020 filed by the petitioner. The mediation has also failed. 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 Dalsinghsarai P.S. Case No.16/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.10,000.00 (Rupees Ten Thousand) per month to opposite party no.2 in the second week of every month. 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 cancelling the 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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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