

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52643 of 2021**

Arising Out of PS. Case No.-31 Year-2018 Thana- GAYA COMPLAINT CASE District-  
Gaya

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MUKESH YADAV @ MUKESH KUMAR Son of Kail Yadav Resident of  
Village - Virhut, P.s.- Cherki (Bodh Gaya), Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Devi W/o Mukesh Yadav @ Mukesh Kumar , D/o Munarik Yadav  
Resident of Village - Virhut , P.S.- Cherki (Bodhgaya), Distt.- Gaya. At  
Present R/O Village - Rehua, P.s.- Magadh Medical, Distt.- Gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha  
For the Opposite Party/s : Mrs. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

6      20-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

By order dated 28.06.2022, notice was issued to  
opposite party no.2, which was received by the uncle of  
opposite party no.2.

Learned counsel for the petitioner has filed a jointness  
petition in which it is stated that they all are living in the same  
house.

In such view of the matter, the notice is deemed to be  
validly served on opposite party no.2.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Section 498A of



the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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. 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.31/18, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,



Petitioner is ready to pay Rs.2,000.00 (Rupees Two 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 Court below is directed to issue notice to opposite party no.2 to make available her bank account details to learned counsel for the petitioner who appears before the 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 Center for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

**(Anjani Kumar Sharan, J)**

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