

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47740 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- DELHA District- Gaya

Kamal Kumar Yadav Son of Krishna Prasad Yadav R/o Mohalla New Colony,
Chotki Delha, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Kumari Wife of Kamal Kumar Yadav, D/o Pappu Yadav R/o Mohalla New Colony, Chotki Delha, P.S.- Delha, District- Gaya. At Present Village- Hisua Nawada, P.S.- Sitamadhi, District- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498(A) and 34 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 Delha P.S. Case No.161 of 2021, subject to the conditions 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. 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.

The learned court below is directed to issue notice to O.P. No.2 directing her to furnish her bank account details in the learned court below. It is made clear that if O.P. No.2 does not furnish her bank account details in the learned court below, the petitioner is directed to deposit the aforesaid amount in the account of mother of O.P. No.2.

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.)

Sanjay/-

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