

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60076 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- SIMRI District- Darbhanga

UMESH DAS Son of Shri Mohan Das Residence of Vill. - Joki, P.S.- Aurai,
Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sunila Devi Wife of Umesh Das D/o- Dukhran Das, Resident of Village -
Bastwara, P.S.- Simri, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate
For the Opposite Party/s : Mr.Upendra Kumar Singh, APP
Mr.Madan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered under sections 341/323/498A/504/506/34 of the IPC and sections 3/4 of Dowry Prohibition Act.

Petitioner, who is husband of the informant, is said to have committed torture upon the informant in association of his family members on account of non-fulfillment of demand of dowry and thereafter ousted her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any dowry demand and has been falsely implicated in the present case due to grudge. There is



general and omnibus allegation against the petitioner and he is ready and willing to keep his wife 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 petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Simri P.S. Case No.26 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that 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 the bail bond of the petitioner.

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

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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