

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69608 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- MAHILA P.S District- West Champaran

MANOJ KUSHWAHA Son of Triveni Kuswaha Resident of Village -
Malpurwa, Chandi Asthan, Police Station- Bagaha, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 10-11-2022 Learned APP for the State filed a counter-affidavit
in the present case. Let it be kept on the record.

Heard the parties.

The petitioner apprehends his arrest in a case
registered under sections 498A, 494 and 34 of the Indian Penal
Code.

The allegation against the petitioner is of torturing the
informant in association of his family members on account of
non-fulfillment of demand of dowry and of ousting her out of
the matrimonial house.

It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
Petitioner has never made any dowry demand and has been



falsely implicated in the present case mostly on suspicion and grudge. There is general and omnibus allegation against the petitioner. 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 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 Mahila Bagaha P.S. Case No. 07 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.3000 /- (Rupees Three Thousand) per month to opposite party No.2 in the first week of every month, 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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