

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72406 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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SURAJ PATHAK Son of Ramnaresh Pathak Resident of Village- Panchi, P.S.-
Sekhopur Sarai, District- Shekhpura. Petitioner.

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Bamshanker Tiwary, W/o Suraj Pathak Resident of
Village- Panchi, P.S.- Sekhopur Sarai, District- Shekhpura, At present-
Budhanuddinchak Milki P.S.- Barh, District- Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey
For the Opposite Parties : Mr. Chandra Bhushan Prasad
Mr. Satish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the State
through virtual Court proceedings.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323,
498A, 504 & 506/34 of the Indian Penal Code.

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 drove her out of her matrimonial home nor tormented her over the demand of dowry. The present case has been lodged by the complainant in retaliation of matrimonial case filed by the petitioner. Petitioner has no criminal antecedent.

Learned counsel for the opposite party no.2 and the State vehemently opposing the prayer for bail submitted that the opposite party no.2 has filed a maintenance case in the Family Court and the Family Court has ordered to pay Rs.4000/- per month to the complainant but till date no payment has been made by the petitioner.

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.268 (C) of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned Court below is directed to accept the bail



bond of the petitioner if he pays all the dues to the complainant
as ordered in Maintenance Case No.26 of 2020.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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