

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71309 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA P.S. District- Saharsa

KUMAR MARTAND Son of Hem Chandra Prasad Resident of Village - Gaushala Road P.S.- Khagaria, Distt.- Khagaria At Prtesent Living at Flat No.B1, Anish Bihar Road No.03, Sanskrit Bihar, University Colony, P.S.- Bariyatu, Ranchi, Jharkhand, Pin No.834009. Petitioner.

Versus

1. The State of Bihar.
2. Pritee Kumari, D/o Aniruddh Prasad Ambuj, village Bishunpur, P.S. Sonbarsa Kachchari, District Saharsa. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate
For the O.P. No.2 : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 25-01-2022 Heard learned counsel for the parties through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A, 323, 504 & 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no2., is said to have mentally and physically tortured her in association of his father and mother.

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 Saharsa Mahila P.S. Case No.59 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.15,000.00 (Rupees Fifteen Thousand) per month to opposite party no.2 in the second week of every month for a period of one year. 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.

Learned counsel for the opposite party no.2 is directed



to make available the bank account details of opposite party no.2 to learned counsel for 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.

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 for one time settlement.

With this observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

