

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2432 of 2023

Arising Out of PS. Case No.-1552 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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NIRAJ NATH TIWARI Son of Shri Shakti Nath Tiwari Resident of Village-
Pakariya, P.S.- Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Brij Bihari Dubey Son of Late Shivkumar Dubey Resident of Village-
Sareya, Ward No.-01, P.S. and District- Gopalganj
3. Suman Kumari Wife of Niraj Nath Tiwari, D/O Brij Bihari Dubey At present
Resident of Village- Sareya, Ward No.-01, P.S. and District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Brajesh Kumar Singh
For the Opposite Party/s :	Mr. Sanjay Kumar Pandey
	Mr. Vikash Kumar Shukla

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-07-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 323, 406, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of O.P. No.3, is said to have ousted her from the matrimonial home in association of his family members over the dowry demand.

4. 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**.

5. 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.1552 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.3000.00 (Rupees Three Thousand) per month to the O.P. No.3 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. 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.

8. Learned counsel for the O.P. No.3 is directed to furnish the bank account details of the complainant in the learned Court below. If he fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the O.P. No.3 after she furnishes her bank account details.

9. 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 one time settlement.

10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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