

Arising Out of PS. Case No.-391 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

... .. Petitioner.

Versus

- Opposite Parties.

For the Petitioner	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Mohammed Arif, APP
For the O.P. No.2	:	Mr. Bhavesh Kumar Sah, Advocate

4 01-08-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 323, 379 and 498A of the Indian Penal Code.

3. 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.

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. 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. By order dated 06.04.2023, this case was referred to the Mediation Center, Patna High Court to resolve the dispute between the parties. The learned Mediator in his report has reported that the dispute between the parties could not be settled through the process of mediation. Hence, mediation has failed. Learned counsel for the petitioner and opposite party no.2 do not dispute to the aforesaid situation.

6. 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 C.R. No.391/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is ready to pay Rs.3,000.00 (Rupees



Three Thousand) per month to opposite party no.2 in the second week of every month. 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.

8. 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.

9. Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

10. 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.

11. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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