

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4864 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S. District- Munger

DAVID MARTIEN S/o Jai Shankar Prasad Mehta @ Jai Shankar Prasad
Mahto @ Jai Shankar Prasad R/o Village- Nauwagari, P.S.- Naya Ram Nagar,
Distt- Munger, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Komal Kumari D/o Late Bhuvneshwar Mandal, W/o David Martien At
present Resident of Kala Pathhar, Nayagaon, P.S.- Basudeopur (Kotwali),
Distt- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dileep Kumar Jha
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-02-2023

Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 498(A), 341, 323, 504, 506 and 34 of the Indian Penal Code and 3/4 of D.P. Act.

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 P.S. Case No. 21/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.8,000/- (Rupees Eight 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.

Learned court below is directed to issue notice to informant/complainant for furnishing her bank account details. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant/complainant after she furnishes her bank account details.

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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