

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10669 of 2023

Arising Out of PS. Case No.-571 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Umesh Kumar S/o Ram Briksh Sah R/v Methaura, P.S. Dumra, District
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nitam Kumari D/o Jagdeo Sah R/v Methaura, P.S. Dumra, District
Sitamarhi.

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-07-2023 Learned counsel for the petitioner is directed to

remove the defect(s), if any, pointed out by the office in course

of the day.

2. Heard both sides.

3. Petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 498(A), 323, 324,

379/34 of the Indian Penal Code and Sections 3/4 of the Dowry

Prohibition Act.

4. 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.

5. 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*.

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 No.C1-571/22, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

7. Petitioner is ready to pay Rs.3,000/- (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 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.

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 Centre for the purpose of reconciliation or for one time settlement.

11. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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