

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6892 of 2023

Arising Out of PS. Case No.-684 Year-2019 Thana- KHAGARIA District- Khagaria

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ROHIT KUMAR Son of Ram Chandra Singh Resident of Village - Kasimpur,
Police Station - Muffasil, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rekha Kumari Wife of Rohit Kumar Resident of Village - Kasimpur, Police Station - Muffasil, District - Khagaria Present Address Daughter of Naresh Mandal, Resident of Village - Sukhasan Chakla, P.O.- Chakla, Police Station and District - Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2023 Heard learned counsel for the for the petitioner and
learned APP for the State.

Though, Vakalatnama has been filed on behalf of the O.P.
No.2 but nobody appears on her behalf.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 341, 323, 324,
354(A), 498A/34 of the Indian Penal Code.

Petitioner, who is husband of informant/complainant, is
said to have ousted her from the matrimonial home in
association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that



the petitioner is an innocent person and has committed no offence. He further submits that the petitioner has been granted benefit of Section 41(A) of the Cr.PC. 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 Khagaria P.S. Case No.684 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.8000.00 (Rupees Eight Thousand) per month to the informant/complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months,



informant/complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of 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.

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 learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

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

(Anjani Kumar Sharan, J)

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