

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34003 of 2022

Arising Out of PS. Case No.-3030 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Kailash Prasad Sinha @ Kailash Pd. Sinha @ Kailash Mahto Son Of Gaya Prasad At Present Residing At Quarter No. 09, Type Two, P And T Colony, Bistupur, J.S.R.- 831001 (Jharkhand) Bsnl Quarter Infront Of Narberam Hansraj English School, Bistupur, Near Wemens College, Bistupur, District - Jamshedpur (Jharkhand), Permanent Resident Of Village- Khanpur, P.O. And P.S. - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari wife of Kailash Prasad Sinha @ Kailash Pd. Sinha @ Kailash Mahto permanent resident of Village - Khanpur, P.O. and P.s. - Khanpur, District - Samastipur, At present residing at Quarter No. 09, Type Two, P and T Colony, Bistupur, J.S.R.- 831001 (Jharkhand) BSNL Quarter infront of Narberam Hansraj English School, Bistupur, Near Wemens College, Bistupur, District - Jamshedpur (Jharkhand), Complainant is at present resident of D/o Vinod Kumar Mahto, village - Ghosbar, P.O.- Rajauli, P.S. - Sadar Hajipur, District - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-10-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of opposite party no2., 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. However, the petitioner is ready to give Rs.10,000.00 (Rupees Ten Thousand) per month to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

6. Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

7. In that view of the matter, let the above named



petitioner, be released on anticipatory 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. 3030 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

8. 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.

(Anjani Kumar Sharan, J)

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