

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39388 of 2023

Arising Out of PS. Case No.-586 Year-2021 Thana- SONEPUR District- Saran

BHAVISHYA NATH SAH S/O RAJ NARAYAN SAH R/O Village-
Dudhpura, P.S- Samastipur, Distt.- Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/O Akhileshwar Sah R/O Village- Semra, P.S- Sonapur,
Distt.- Saran at Chapra (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Adv.
For the State	:	Mr.Damodar Prasad Tiwary, APP
For the O.P.No. 2	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State. However, nobody appears on behalf of the
O.P. No.2, despite of filing of vakalatnama on her behalf.

2 The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 498(A), 323, 324 of the IPC and
¾ of the Dowry Prohibition Act.

3. Petitioner, who is husband of opposite party no2., is said
to have tortured the O.P. No.2 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. 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 Sonapur P.S. Case No.586 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs.3000.00 (Rupees Three Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. 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.

8. Learned Court below is directed to issue notice to the O.P. No.2 to furnish 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 after she furnishes her bank account details.

9. 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.

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

(Anjani Kumar Sharan, J)

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