

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34665 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA P.S. District- Banka

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1. Prafull Kumar Mandal Son Of Nawal Kishore Mandal R/O Village- Parariya, P.S.- Banka, District- Banka
 2. Prabha Devi Wife Of Nawal Kishore Mandal R/O Village- Parariya, P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Wife Of Praful Kumar Mandal R/O Village- Parariya, P.S.- Banka, District- Banka. Now Present Resident Of Village- Neel Kothi, P.S.- Chanan, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 07-08-2023 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498A, 494, 323, 307, 504, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioners are said to have ousted the opposite party no.2 from her matrimonial home in association of their family members over the dowry demand.

4. It is submitted by learned counsel for the petitioners that the petitioners are an innocent person and have committed no offence. Petitioners have neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. By way of supplementary affidavit, it has been submitted by the learned



counsel for the petitioners that the petitioner no. 1 is able to pay only Rs.2000/- per month to the opposite party no. 2. The petitioners have 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. Learned APP for the State opposing the prayer for bail of the petitioner no. 1 submits that the Family Court, Banka had ordered for payment of Rs. 5000/- per month as maintenance.

6. However, the petitioner no. 1 is ready to give Rs.3,000.00 (Rupees Three Thousand) per month as maintenance 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 fail to give the aforesaid amount on two consecutive dates to opposite party no.2, their bail bond shall automatically be cancelled.

7. 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 no. 1 within a period of two weeks by submitting the same on



affidavit before the learned court below.

8. In that view of the matter, let the above named petitioners, be released on anticipatory bail, in the event of their 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) each 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 Banka (Mahila) P.S. Case No. 02 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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.

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(Anjani Kumar Sharan, J)

