

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39299 of 2023**

Arising Out of PS. Case No.-2291 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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SHAILESH KUMAR @ GOPAL S/O AWADESH KUMAR ISHWAR R/O
Village- Siauri (Manjhaul), PS.Cheriya Bariyarpur, Begusarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SONALI KUMARI W/O SHAILESH KUMAR @ GOPAL , D/O NAWAL
KISHORE CHAUDHARY R/O Village- Kalambagh Shokhara-2, PS.
Phoolwariya, Dist. Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Binay Kumar Singh, Adv.
For the Opposite Party/s :	Mr.Md. Shakir Ahmad, APP
	Mr.Apurv Harsh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-10-2023 This case has been listed today under the heading “Orders
on Office Notes”.

2. Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

3. Earlier the matter was sent for mediation but on perusal of
the Mediation Report, it is apparent that mediation between the
parties failed and with the consent of the parties, this application
is being disposed of on its merit.

4. The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 323, 307, 498A of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

5. Petitioner, who is husband of complainant, is said to have



tortured the complainant and ousted her from the matrimonial home in association of his family members over dowry demand.

6. 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*. He is still ready and willing to keep his wife with full honour and dignity.

7. 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.2291(c) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Petitioner is ready to pay Rs.5000.00 (Rupees Five Thousand) per month to the complainant in the second week of



every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

9. 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.

10. Learned counsel for the O.P. No.2 is directed to furnish the bank account details of the complainant before the learned Court below. 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 complainant after she furnishes her bank account details.

11. 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.

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

(Anjani Kumar Sharan, J)

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