

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39739 of 2022

Arising Out of PS. Case No.-303 Year-2020 Thana- COMPLAINT CASE District- Lakhisarai

RAJESH KUMAR @ ABHISEK KUMAR S/O BHARAT PRASAD
CHAURASIYA Resident of Mohalla- Pachna Road Ward No.16 near Sabji
Mandi, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2023 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

the complainant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
307, 324, 379, 420, 498(A) and 34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of the complainant, is said
to have ousted her from her 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. 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 Complaint Case No. 303C/2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.5,000/- (rupees five thousand) per month to the complainant in the second week of every month. If petitioner fails to pay the aforesaid amount on two consecutive months, the complainant shall be at liberty to move before the learned court below for cancellation of 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 counsel appearing on behalf of the complainant is directed to furnish the bank account details of opposite party no.2 in the learned court below.

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 Centre for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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