

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41103 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Rajesh Kumar @ Rajesh Sah Son Of Late Ganga Prasad Resident Of
Mohalla-Saraiyaganj, P.S.-Sadar, Muzaffarpur, District-Muzaffarpur. At
Present Kabir Chak Ganj Chowk, P.S.-Sadar, Darbhanga, District-Darbhang
... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi D/O Late Anandi Sah (widow Of Late Gopal Sah) Resident Of
Chakradharpur (Chandmari Mahatalla Road, Ward No. 8, P.O.
Chakradharur, P.S.-Chakradharpur, District-Singhbhoom (Jharkhand). At
Present Village-Kabir Chak Ganj Chowk, P.S.-Sadar, Darbhanga, District-
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh
For the State	:	Mr. Manoj Kumar
For the Opposite Party No.2:	:	Mr. Kumar Praveen

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 28-11-2023 Heard learned counsel for the parties.

2. By order dated 11.09.2023, this matter was referred
to the Mediation Centre, Patna High Court and vide order dated
01.11.2023 of the learned Mediator, it is mentioned that the O.P.
No. 2 is ready to live with all condition, but the petitioner did not
want to live with O.P. No. 2, in this circumstance the mediation
couldn't success.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 506, 498A/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

4. 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.

5. Learned counsel for the petitioner submits 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 submits that the petitioner is working in a rice mill and he get Rs. 9,000/- per month. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

6. Learned APP for the State as well as learned counsel for the O.P. No. 2 opposed the prayer for bail and submitted that in the mediation the petitioner has not denied this fact that the O.P. No. 2 is not the wife of the petitioner.

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 Sadar Darbhanga P.S. Case No. 165 of 2023, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.,

8. Petitioner is ready to pay Rs.3,000/- (Rupees Three Thousand) per month to opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 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 opposite party no.2 is directed to make available the bank account details of opposite party no.2 within a period of two weeks by submitting affidavit of the same before the learned Court Below.

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. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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