

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42896 of 2023

Arising Out of PS. Case No.-196 Year-2019 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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AMIT KUMAR Son of Akhilesh Kumar Singh Resident of village - Doniya
Tola Pakra, P.s. - Naugachhia, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari Wife of Amit Kumar, D/o Arbind Singh Resident of village -
Karanpur (Karna) P.O and P.s. - Parbatta, Distt. - Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioner and learned

APP for the State but none is present on behalf of opposite party

no.2 in spite of putting appearance.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of

the Indian Penal Code and Section 3/4 of the Dowry Prohibition

Act.

3. Petitioner, who is husband of opposite party

no.2, is said to have ousted her from the matrimonial home 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 Complaint Case No.196C of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.5,000.00 (Rupees Five 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.

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 complainant/ opposite party no.2 for furnishing 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 complainant/opposite party no.2 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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