

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45033 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- KOTWA District- East Champaran

Abhimanyu Ojha @ Abhimanyu Kumar Ojha Son of Murari Ojha Resident of
village - Ahiraulia, P.S. - Kotwa, Distt. - East Champaran Petitioner
Versus

1. The State of Bihar
2. Rausani Ojha Wife of Abhimanyu Ojha @ Abhimanyu Kumar Ojha, D/o
Manoj Pathak Resident of village - Ahiraulia, P.S. - Kotwa, Distt. - East
Champaran and at present residing at village Bada Tola (Kamari Chowk),
P.O. - Updih, P.S. - Motihari (Town), Distt. - East Champaran
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest
bail in connection with Kotwa P.S. Case No. 441 of 2022 registered
for the offences punishable under Sections 341, 323, 498(A), 313,
307, 504, 506 and 34 of the Indian Penal Code. The petitioner has no
criminal antecedent.

3. As per prosecution story, the petitioner got married with
O.P. No. 2 on 12.05.2022. It is alleged that after marriage, the
petitioner and his family members tortured her for non-fulfillment of
demand of dowry. It is also alleged that her in-laws determined the
sex of fetus and gave her medicine which resulted in miscarriage.

4. Learned counsel for the petitioner as well as learned
counsel for the informant submit that to find out an amicable



resolution of the matrimonial dispute between the parties, the District Court may be directed to send the records to the Mediation Centre attached to the said court where both the parties can appear and participate in the mediation process.

5. Learned counsel for the informant has submitted that the petitioner is a member of the Armed Forces and he is earning a handsome amount of salary but is not taking care of his wife which is also a kind of cruelty.

6. Learned counsel for the petitioner has, at this stage, offered to pay a sum of Rs.8,000/- per month for the present, subject to any order which may be passed by a competent court in an appropriate proceeding towards maintenance and he has submitted that the petitioner shall deposit the said amount in the account of the informant within first ten days of every month.

7. Having regard to the aforementioned facts and circumstances of the case and the stand of the parties as also the offer made by the petitioner, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kotwa P.S. Case No. 441 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. And further condition that in terms of his own offer, the petitioner shall pay a sum of Rs.8,000/- (Rupees Eight Thousand only/-) per month in the bank account of the informant within first ten days of every month, subject to any order which may be passed by a competent court in an appropriate proceeding. The informant shall furnish her bank account details either to the petitioner or to his lawyer. Breach of this condition shall invite action towards cancellation of the bail bond of the petitioner.

10. Learned court below is directed to send the records to the Mediation Centre attached to the District Court at East Champaran, Motihari for taking appropriate steps towards resolution of the matrimonial disputes.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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