

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45282 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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PRINCE JAISWAL Son of Deena Nath Jaiswal Resident of Mohalla- 38/45
Fakir Bagan Road, M. Karn Howrah, Haura, Howrah (West Bengal), Pin
Code- 711101.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Moni Devi Wife of Prince Jaiswal, Daughter of Jawala Prasad Jaiswal
Resident of Mohalla- 38/45 Fakir Bagan Road, M. Karn Howrah, Haura,
Howrah (West Bengal), Pin Code- 711101, At present Address - Resident of
Mohalla- Purab Mohalla, ward no. 23, Durga Ashthan,Bhabhua, P.S.-
Bhabua, District - Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Parwej Khan, Advocate
For the State	:	Mr. Prem Kumar Jha, APP
For O.P. No.2	:	Mr. Pawan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-05-2023 Heard learned counsel for the parties.

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

Petitioner, who is husband of opposite party no.2, is
said to have ousted the opposite party no.2 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. 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.104 of 2022, subject to the conditions as 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 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



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 for the opposite party no.2 is directed to make available 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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