

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46778 of 2023

Arising Out of PS. Case No.-64 Year-2021 Thana- MAHILA P.S. District- Madhubani

PRAHLAD MAHASETH S/O LATE MAHENDRA MAHASETH R/O
Village- Shubhankarpur Ratnopatti, Ward No.-9, P.S- Kilaghat, Distt.-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Mahaseth D/O Hari Narayan Purwe R/O Mohalla- Suratganj, Ward No.-15, P.S- Madhubani, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar, Adv. Mr. Akash Kumar Mishra, Adv. Mr. Shambhoo Kumar Suman, Adv.
For the Opposite Party/s	:	Mrs.Shaheen Begum, APP. Mr. Rajoday Satyjeet, Adv. Mr. Braj Nandan Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 498(A), 420 and 34 of the Indian Penal Code.

3. Petitioner, who is husband of informant, is said to have tortured upon her physically and mentally 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. It is further submitted that petitioner has filed a divorce case vide Matrimonial Suit No. 102 of 2021 on 12.07.2021 in the Court of Principal Judge, Family Court, Darbhanga. The instant case has been lodged after one month of institution of the said Matrimonial suit to dissolve the marriage. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. 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 Mahila P.S. Case No. 64 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

7. Petitioner is ready to pay Rs. 5,000.00 (Rupees Five Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount



on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

8. 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.

9. Learned counsel for the informant is directed to furnish the informant's bank account details. If he fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details.

10. 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.

11. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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