

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50546 of 2022

Arising Out of PS. Case No.-54 Year-2019 Thana- MAHILA P.S. District- Saharsa

CHANDAN SUMAN KARN S/O SHIVNATH PRASAD Resident of village-
Sisauni, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NEHA SHRIVASTAVA W/O CHANDAN SUMAN KARN, D/O LATE
BRIJ MOHAN Resident of village- Nariyar, Ward no- 7, P.S.- Saharsa,
District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, Adv.
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP.
Mr. Satish Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-03-2023 Heard the parties.

Learned counsel for the petitioner is directed to remove
the defects within the four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 498A, 323, 379,
504, 506/34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

Petitioner, who is husband of informant/complainant, is
said to have tortured her physically and mentally 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. It is further submitted that the Opposite Party No.2 has earlier filed the case against the petitioner i.e. Sadar P.S. Case No. 503/2021 District Ranchi for the offence under section 498(A), 323/34 of the IPC and $\frac{3}{4}$ Dowry Prohibition Act in which the police has filed the final form against the petitioner. Later, the Opposite Party No.2 again filed the present case for the same offence. He further submits that the matter was sent to the Mediation Center but the mediation failed. Having no alternative, the Opposite Party No.2 has filed a maintenance case being Maintenance Case No. 26 of 2020 in which the Family Court has directed the petitioner to pay Rs. 10,000/- to the Opposite Party. It is further submitted that against this order, the petitioner has preferred a revision application before this Court which is pending.

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. 54 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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.

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 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.

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.



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

(Anjani Kumar Sharan, J)

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