

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52111 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- MAHILA P.S. District- Patna

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ASHUTOSH KUMAR S/o Surendra Singh @ Surendra Kumar Singh
Resident of Village- Pyare Chak, P.S.- Arwal, District- Arwal At Present
Residing at Urmila Bhawan, E-14, Anand Bihar Colony, Opposite Bhootnath
Road, Kumhrar, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Swati Sinha W/o Ashutosh Kumar Resident of Patel Bhawan, New Bypass
Road, Khemni Chak, Subhash Nagar, P.S.- Ramkrishna Nagar, District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-02-2023 Heard the parties.

The petitioner apprehends his arrest in a case
registered under sections 323, 498(A) and 34 of the Indian Penal
Code and 3/4 of D.P. Act.

The allegation against the petitioner is of torturing
the informant in association of his family members on account
of non-fulfillment of demand of dowry and of ousting her out of
the matrimonial house.

It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. Petitioner has never made any dowry demand and has



been falsely implicated in the present case mostly on suspicion and grudge. There is general and omnibus allegation against the petitioner. 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 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.114/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.5,000/- (Rupees Five Thousand) per month to opposite party No.2 in the first week of every month, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that 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 the bail bond of the petitioner.

It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

Learned court below is directed to issue notice to informant/complainant 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 informant/complainant after she furnishes her bank account details.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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