

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53602 of 2022

Arising Out of PS. Case No.-316 Year-2020 Thana- BUXAR COMPLAINT CASE District-
Buxar

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DIGAMBAR NATH PANDEY Son of Sheojee Pandey Resident of village -
Dalanchapra, Post - Umedpur, P.S.- Shahpur, District - Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Samidha Kumari Wife of Digambar Nath Pandey Residing at D/O Shri
Rama Shankar Pandey, Resident at Naya Bhojpur, P.S.- Dumraon, District -
Buxar, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate Mr. Shailendra Kumar Choubey, Advocate
For the State	:	Mr. Arvind Jha, Advocate Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 05-04-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel

assisted by Mr. Shailendra Kumar Choubey for the petitioner,

learned APP for the State and learned counsel appearing on

behalf of the complainant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code.

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 drover her out of her matrimonial home nor tormented her over the demand of dowry. He is still ready to keep her with full honour and dignity. 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.316(c)/2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.10,000/- (rupees ten thousand) per month to opposite party no.2 in the second week of every month. If 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 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 complainant is directed to furnish the bank account details of the complainant 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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