

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55774 of 2023

Arising Out of PS. Case No.-641 Year-2022 Thana- MUNGER COMPLAINT CASE
District- Munger

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Nishant Kumar Niraj @ Nshant Kumar Niraj S/O Late Babu Lal Rajak R/O
Mohalla- Khajpura, Raja Bazar, Ps. Hawaii Adda, Distt. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushma Kumari W/O Sri Nishant Kumar Niraj @ Nshant Kumar Niraj, D/O
Sri Bhushan Rajak R/O Mohalla- Belan Bazar, Dhobi Tola, Ps. Kashim
Bazar, Dist. Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-12-2023 Heard learned learned counsel for the petitioner Mr.

Sunil Kumar Singh and Mr. Dilip Kumar, learned APP for the

State.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498(A) of

the Indian Penal Code and Section 4 of the D.P. Act.

3. 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.

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. 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*.

5. 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. 641 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs. 3,000/- (Rupees Three Thousand) per month to the 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 cancelling the bail bond of the petitioner.

7. It goes without saying that the aforesaid amount



shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. 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.

9. 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 one time settlement.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

Ranjeet/-

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