

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73826 of 2022

Arising Out of PS. Case No.-136 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

Mukesh Kumar Son Of Satya Narayan Malakar R/O Village - Matkuriya
Latauna, P.S.- Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari Wife of Mukesh Kumar D/o Ashok Prasad Chourasiya,
Resident of Kanwatola Sirsa, P.S.- Muffasil, District - Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498A, 312, 313 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no2., 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 drove 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**.

However, the petitioner is ready to give Rs.3,000.00 (Rupees Three Thousand) per month as maintenance to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

In that view of the matter, let the above named petitioner, be released on anticipatory 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 Muffasil P.S. Case No. 136 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,



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.

Learned court below is directed to issued notice to the informant for furnishing her bank account details. If she fails to furnish her bank account details the aforesaid amount will be deposited before the learned court below which will be released in favour of the informant after the informant furnishes her bank account details.

(Anjani Kumar Sharan, J)

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