

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73867 of 2022

Arising Out of PS. Case No.-149 Year-2022 Thana- HARLAKHI District- Madhubani

1. MITHLESH MAHTO Son of Rajdeo Mahto R/V- Birta Harlakhi, P.S- Harlakhi, Dist- Madhubani
2. Rinku Devi Wife of Mithlesh Mahto R/V- Birta Harlakhi, P.S- Harlakhi, Dist- Madhubani
3. Gangiya Devi Wife of Rajdeo Mahto R/V- Birta Harlakhi, P.S- Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vimal Devi Wife of Mithlesh Mahto R/V- Birta Harlakhi, P.S- Harlakhi, Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Mr. Gagan Deo Yadav Mr. Rajesh Kumar
For the Opposite Party/s :		Mr. Nand Kumar Mr. Ashok Kumar Garg

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-05-2023 Heard learned counsel for the for the petitioners, learned counsel for the O.P. No.2 and learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 498(A), 379, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioners, are said to have ousted O.P. No.2 from the matrimonial home in association of their family members over the dowry demand.

It is submitted by learned counsel for the petitioners that the petitioners are innocent persons and have committed no offence. Petitioners have neither made any dowry demand nor drove her out



of her matrimonial home nor tormented her over the demand of dowry. Petitioner no.1 is the husband of O.P. No.2, petitioner no.2 is the mother-in-law of O.P. No.2 and petitioner no.3 is the second wife of the petitioner no.1. Petitioner no.1 ready to settle the dispute with O.P. No.2. Petitioners have two criminal antecedent. 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 petitioners, be released on bail, in the event of their 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) **each** 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 Harlakhi P.S. Case No.149 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner no.1 is ready to pay Rs.4,000.00 (Rupees Four Thousand) per month to the informant/complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant/complainant 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/complainant is directed to furnish the bank account details of the informant/complainant in the learned Court below. 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 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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