

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73236 of 2022**

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

KAMLESH KUMAR S/o Mahesh Prasad Resident at - Jayguru, Mohalla-  
Devi Sarai, P.O.- Maghada, P.S.- Deepnagar, District- Nalanda,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |                             |
|----------------------------|-----------------------------|
| For the Petitioner/s :     | Mr.Binay Krishna, Adv.      |
| For the Opposite Party/s : | Mr.Parmanand Prasad, APP.   |
|                            | Mr. Samir Kumar Sinha, Adv. |
|                            | Mr. Akhileshwar Dayal, Adv. |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      23-03-2023      Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A, 341, 323, 379, 504, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no2., is said to have tortured upon her physically and mentally in association of his family members over the dowry demand. They ousted her from her matrimonial home.

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**.

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 Nalanda District Mahila P.S. Case No. 114 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.3,000.00 (Rupees Three Thousand) per month to the informant 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 Court below is directed to learned counsel for the informant to furnish the informant's bank account details. If he 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 after he furnishes the informant's 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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