

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3830 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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ANIL KUMAR MALAKAR SON OF SONEY LAL MALAKAR R/O
VILLAGE- SAKARPURA, P.S.- HASANPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUMITA SINHA WIFE OF ANIL KUMAR MALAKAR, D/O ARUN KUMAR PRASAD R/O VILLAGE- SAKARPURA, P.S.- HASANPUR, DISTRICT- SAMASTIPUR AT PRESENT RESIDING AT MUSKAAN MANSION, LAHBANI, P.O- I.S.M., P.S.- DHANBAD, DISTRICT- DHANBAD (JHARKHAND)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP
Mr.Rajnish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-05-2023 Heard learned counsel for the for the petitioner, learned
counsel for the O.P. No.2 and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 498A, 323, 420 of the IPC and
Section 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of complainant, is said to have
tortured the complainant in association of his family members
over 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*.

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

Petitioner is ready to pay Rs.10,000.00 (Rupees Ten Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, 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 O.P. No.2 is directed to furnish the bank account details of O.P. No.2. 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 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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