

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6687 of 2023

Arising Out of PS. Case No.-163 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Abhay Kumar Son Of Ramesh Chandra Mishra @ Ramesh Chand Mishra R/O
Vill.- Bakatpur Banbira, P.S.- Piprahi, Distt.- Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Soni @ Soni Saurabh Wife Of Abhay Kumar, D/O Indra Devi R/O
Vill.- Khiriya Ghat, Ward No. 04, P.S.- Bairiya, Distt.- West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-07-2023 The defect no. 6 as pointed out by the office is
ignored.

2. With regard to defect no. 10, learned counsel for
the petitioner submits that he has already removed the same.

3. Heard learned counsel for the parties.

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

5. 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.



6. 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**.

7. 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.

8. 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 Complaint Case No. 163C of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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 Center for the purpose of reconciliation or one time settlement.

10. Learned court below is directed to issued notice to the informant/complainant 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/complainant after the informant/complainant furnishes her bank account details.

(Anjani Kumar Sharan, J)

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