

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.606 of 2023**

Arising Out of PS. Case No.-8 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SHEO PRAKASH CHAUBEY @ SHIVAM CHAUBEY S/o Lalbabu
Chaubey @ Lalmani Chaubey R/o Village and P.O - Sakari, P.S.- Kudra,
Distt- Kaimur. At present Address- R/o Village- Aam Bagicha Bargae More
T.V.S. New shop Road, P.S.- Bariatu, Distt- Ranchi(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoram Chaubey @ Manoram Kumari W/o Prakash Chaubey @ Shivam
Chaubey, D/o Late Rajendra Dubey R/o Village and P.O. - Sakari, P.S.-
Kudra, Distt- Kaimur(Bhabua).

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Chandra Mohan Jha, Advocate
For the O.P. No.2	:	Mr. Jai Prakash Singh, Advocate
For the State	:	Mr. Md. Iftexhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-11-2023 This case has been listed under the heading '*To Be
Mentioned*' at the instance of learned counsel for the petitioner.

2. Vide order dated 14.09.2023, the petitioner was
directed to take fresh steps for issuance of notice upon opposite
party no.2 but today Mr. Jai Prakash Singh, learned Advocate
appeared on behalf of opposite party no.2 and with his consent
this case been heard for final disposal at this stage itself.

3. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the



State.

4. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A, 406, 323 and 504 of the Indian Penal Code.

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. He is still ready to keep her with full honour and dignity as stated in para-8 of this application but learned counsel for the opposite party no.2 states that opposite party no.2 is not ready to reside with the petitioner. 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. 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.08/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

8. Petitioner is ready to pay Rs.3,000.00 (Rupees Three Thousand) per month to opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

9. 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.

10. Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

11. 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.

12. Accordingly, this application stands disposed
of.

(Anjani Kumar Sharan, J)

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