

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4232 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- MAHILA PS District- Darbhanga

Abhay Kumar S/O Uday Narayan Prasad R/O Mohalla- Saraiya, (Ward N0-4), Chandpur Road, Gopalganj, P.S- Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 313, 498A, 323, 379 and 506 of the Indian Penal Code.

Petitioner is said to have assaulted the informant on her abdomen and got intake the medicine, thereafter, blood was coming out.

Learned counsel for the petitioner submits that the petitioner is an innocent person and has committed no offence. He submits that the informant from the very beginning is person of questionable character and due to her conduct, her husband committed suicide or he was murdered in order to get a job on compassionate ground. He submits that the informant in planned manner came from Kolkata to meet the



petitioner on different dates and willfully stayed at Hotel in Darbhanga, thereafter, she disclosed that she has a son of 12 years. She compelled the petitioner to live with her and began to blackmail and said that if he does not obey the direction and fulfill her wishes then in false case the petitioner would be foisted. 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**.

However, the petitioner is ready to give Rs.5,000.00 (Rupees Five Thousand) per month as maintenance to informant 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 the informant, his bail bond shall automatically be cancelled.

Learned counsel for the informant, under instruction, submits that the informant undertakes to provide her bank account details to the petitioner within a period of two



weeks by submitting the same on affidavit before the learned court below.

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 Mahila P.S. Case No. 51 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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.

(Anjani Kumar Sharan, J)

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