

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16662 of 2024

Arising Out of PS. Case No.-606 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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Amit Ojha @ Amit Kumar Ojha Son Of Braj Kishor Ojha Resident Of Village
- Sagar Pokhra, Police Station - Bettiah Town, District - West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nidhi Devi Wife Of Amit Ojha @ Amit Kumar Ojha, Daughter Of Chandra Mohan Tiwari Resident Of Village - Chanpatia Samari Tola, Police Station, Chanpatia, District - West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra with Mr.Brij Kishor Mishra and Mr. Sachida Nand Rai, Advocates
For the State	:	Mr.Uday Chand Prasad, APP
For the O.P. No. 2	:	Mr. Dhananjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2024 Heard Mr. Bashishtha Narayan Mishra, learned

counsel appearing on behalf of the petitioner and learned

Additional Public Prosecutor for the State. Opposite party no. 2

appears through her counsel, Mr. Dhananjay Kumar.

2. The petitioner, happens to be husband of opposite
party no. 2, is apprehending his arrest in connection with Bettiah
Town P.S. Case No. 606 of 2023, registered for the offences
punishable under Sections 498(A), 341, 323, 504/34 of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

3. Allegedly, the marriage of the petitioner was



solemnized with the opposite party no. 2 five years ago, however, after marriage she was subjected to demand of dowry and on non-fulfillment of the same, she was tortured in various ways leading to filing of the present FIR.

4. It is submitted on behalf of the petitioner that during the course of investigation the petitioner was accorded the benefit under Section 41(A) of the Cr.P.C. However, after submission of charge-sheet and cognizance of the offences, the present anticipatory bail has been filed. It is next submitted that the bone of contention of quarrel between the couple is the sister of the petitioner, who has also been residing with her mother in the house and as the opposite party no 2 has unfounded grievances against her, she put a condition, either to live with the petitioner separately or to oust the sister-in-law.

5. On the other hand, learned counsel for the informant (O.P. No. 2) while opposing the prayer for bail has submitted that the life of the opposite party no. 2 has become miserable on account of interference made by her sister-in-law and due to which she is facing difficulty to live with the petitioner. However, she is ready to settle the matter either through mediation or one-time-settlement.

6. Considering the rival submissions made on behalf



of the husband and the wife and also the genesis of the dispute, this Court thinks it apt and proper to enlarge the petitioner abovenamed on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 606 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further conditions:

(i) that one of the bailors shall be the own/close family members of the petitioner;

(ii) that both the parties shall ensure their appearance before the jurisdictional court who will once again try to settle the matter amicably; and

(iii) that in the meantime, the petitioner shall pay an amount of Rs.1500/- to the opposite party no. 2 on every last week of the month till any order is passed by the family court or the matter is settled between the parties.

(Harish Kumar, J)

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