

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23873 of 2024

Arising Out of PS. Case No.-1057 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Sanjay Kumar Son of Budhan Das Resident of Village- Manpura, Police
Station- N.H. Bangra, Dist.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanda Kumari Wife of Sanjay Kumar Resident of Village- Manpura, Police
Station- N.H. Bangra, Dist.- Samastipur, Present Address D/o Ramsakal
Das, Resident of Village- Ujiarpur, Police Station- Ujiarpur, Dist.-
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Ms. Asha Kumari, APP
For the Complainant	:	Mr. Barun Kumar Singh, Advocate Mr. Akshansh Shanker, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-11-2024 Heard learned counsel for the for the petitioner, learned APP
for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 498(A) of the Indian
Penal Code.

3. Petitioner, who is husband of complainant, is said to have
abused and harrassed in association of his family members over the
dowry demand of a motorcycle and a golden chain. It is further
alleged that the petitioner has entered into second marriage.

4. 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. It is also submitted that petitioner is a daily wage labourer whereas complainant want to live luxurious life. Complainant put pressure upon the petitioner for separation and on that issue she left her matrimonial house and started to live in her paternal house by her own choice. Allegation of second marriage against the petitioner is baseless and imaginary. 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**.

5. 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 T.R. No. 1195 of 2023 arising out of C.R. No. 1057 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.3,000.00 (Rupees Three 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.

7. 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.

8. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. 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.

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. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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