

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34394 of 2024**

Arising Out of PS. Case No.-999 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Santosh Kumar son of Asheshwar Pandit R/o Village- Budhwa (Ward No.-
07), P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rishi Kumari D/o Bharat Pandit R/o Village- banjariya, Babu Tola (Ward
No.-08), P.S.- Banjariya, Dist.- East Champaran

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.
Mr. Uma Shankar Verma, Adv.
Ms. Kumari Anjali, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 12-11-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 354, 498A,
34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. Petitioner, who is husband of informant, is said to have
tortured upon her physically and mentally and ousted her from
her matrimonial house in association of his family members over
the dowry demand.

4. It is submitted by learned counsel for the petitioner that



the petitioner is an innocent person and has committed no offence. He has falsely been implicated in the present case due to ulterior motive. He has neither made any dowry demand nor tormented her over the demand of dowry nor drove her out of her matrimonial home. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the informant herself did not want to live in her matrimonial house with her in-laws. Learned counsel further submits that in the aforesaid matter, the petitioner had also filed a matrimonial case i.e. Matrimonial Case No. 61 of 2022 for restoration of conjugal life before the learned Court below which was disposed of on 28.08.2022. After disposal of the matrimonial case, the informant went to her matrimonial home, but after one month, without any information, she again fled away along with her entire belongings and started living at her parental house. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

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 Turkauliya (Banjariya) P.S. Case No. 999 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs. 5,000.00 (Rupees Five Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant 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. Vide order dated 31.07.2024, the petitioner was directed to make payment of Rs. 2000/- as a conveyance charge to the informant on the day she will visit the Mediation Centre. It is to be noted that the informant had visited Mediation Centre three times as yet and in this way, as per direction of the Court, she is liable to be paid Rs. 6,000/-.

9. Accordingly, the petitioner is directed to pay the total conveyance charge i.e. Rs. 6,000/- to the informant at the time of furnishing bail bonds in the learned Court below and if the order of this Court is not complied, the order of granting anticipatory



bail to the petitioner by this Court shall automatically loose its force.

10. Learned counsel for the informant is directed to furnish the bank account details of the informant 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 informant after she furnishes her bank account details.

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

(Anjani Kumar Sharan, J)

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