

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33520 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Raj Kumar Sah @ Raj Kumar S/O Ramesh Sah R/O Village- Parsa, P.S-
Purushottampur, Distt.- West Champaran.

... .. Petitioner/S

Versus

1. The State of Bihar
2. Sundari Devi W/O Raj Kumar Sah @ Raj Kumar, D/O Yogendra Sah R/O
Village- Parsa, P.S- Purushotampur, Distt.- West Champaran, Presently
Residing At Thatwa Rakhai, P.S- Sikarpur, Distt.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Complainant	:	Mr. Sujeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 09-12-2024 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 323,
498(A)/504 of the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to
have tortured and ousted her from the matrimonial home in
association of his family members over the dowry demand of a
four-wheeler vehicle. It is further alleged that they also
attempted to murder the complainant.

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. There is an inordinate delay of seven days in lodging the FIR. Petitioner has two criminal antecedent. 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 Complaint Case No. 401 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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