

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34009 of 2024

Arising Out of PS. Case No.-7 Year-2022 Thana- MAHILA P.S. District- Bhojpur

NITISH KUMAR S/O KAMTA PASWAN R/O VILLAGE- SAKALA
BAZAR, P.S- KARAKAT (GORARI), DISTT.- ROHTAS.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JOTI KUMAR W/O NITISH KUMAR, D/O LALJI PASWAN R/O
VILLAGE- MEHUPUR, P.S- JAGDISHPUR, DISTT.- BHOJPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Sanjay Kumar Sharma, APP.
	Mr. Pawan Kumar, Adv.
	Mr. Manoj Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-11-2024 Heard learned counsel for the 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 Section 498(A)/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 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 Bhojpur Mahila P.S. Case No. 7 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. 3,000.00 (Rupees Three 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. 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.

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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