

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43003 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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OMPRAKASH KUMAR KUSHWAHA @ OM PRAKASH KUMAR Son of
Chandrika Mahto @ Om Prakash Kumar Resident of village - Sukhlahiya,
P.S.- Darpa, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nilam Devi Daughter of Durga Prasad Resident of village - Murli, P.S.-
Chhauradano, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Zainul Abedin Mr. Pravin Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 498(A) of the Indian Penal Code.

3. Petitioner, who is husband of opposite party no2., is said to have ousted the opposite party no.2 from her matrimonial home 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. Petitioner has neither made any dowry



demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. 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. 390 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/- (Rupees Three Thousand) per month to opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 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 opposite party no.2 is directed to make available the bank account details of opposite party no.2 within a period of two weeks by submitting affidavit of the same before the learned Court Below.

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. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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