

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42908 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AMRESH KUMAR @ AMARESH KUMAR SON OF LATE MADAN KUMAR THAKUR RESIDENT OF VILLAGE- JHAHOURI, BIRSINGPUR DYODHI, PS- KALYANPUR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SMITA KUMARI WIFE OF AMRESH KUMAR @ AMARESH KUMAR RESIDENT OF VILLAGE- JHAHOURI, BIRSINGPUR DYODHI, PS- KALYANPUR, DISTT- SAMASTIPUR AT PRESENT ADDRESS SMITA KUMARI, DAUGHTER OF LATE PERMANAND SINGH, PRABHAT VILLAGE AND POST- BIBHUTIPUR, PS- BIBHUTIPUR, DISTT- SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar, Adv.
For the Opposite Party/s :	Mr.Dilip Kumar No.1, APP
	Mr.Raja Ram Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 498(A) of the IPC and section 4 of the D.P. Act.

3. Petitioner, who is husband of complainant, is said to have tortured the complainant over dowry demand and drove her out of the matrimonial house.

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 C.R. No.285 of 2022, T.R. No.1846 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.4000.00 (Rupees Four 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 O.P. No.2 is directed to furnish the bank account details of the complainant before 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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