

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46444 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- SUGAULI District- East Champaran

ABHISHEK KUMAR SON OF MANOJ KUMAR @ MANOJ KUMAR
PATEL VILLAGE- SHRI PUR BHATWALIYA, P.S.- SUGAULI, DISTT.-
EAST CHAMPARAN, AT PRESENT GURUGOVIND SINGH NAGAR,
HOUSE NO. 1981/109, STREET NO, 27, P.S.- SHIMLAPURI, DISTT.-
LUDHIANA, STATE- PUNJAB

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANCHAL KUMARI D/O- PRAMOD KUMAR PATEL R/O- BADA
BARIYARPUR, WARD NO.-45, P.S.- CHHATAUNI, DISTT.- EAST
CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kundan Rathore, Adv.
For the Opposite Party/s :	Ms. Shaheen Begum, APP.
	Mr. Ajay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 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 498(A),
341, 323, 313, 504, 506, 34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of the informant, is said to
have tortured upon her physically and mentally in association of
his family members over the dowry demand. They also tried to
kill her by hanging.

4. It is submitted by learned counsel for the petitioner



that the petitioner is an innocent person and he has committed no offence. Petitioner has neither made any dowry demand nor tormented her over the demand of dowry. The real fact is that the informant does not want to live with her husband and her in-laws. It is further submitted that prior to the present case, the petitioner filed a petition u/s 9 of the Hindu Marriage Act for restitution of conjugal rights before the learned Court below on 29.08.2023 and thereafter when the informant received the notice of the said case, she lodged an FIR against the petitioner on 12.11.2023. 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 Sugauli P.S. Case No. 486 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 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. 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/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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