

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50074 of 2023**

Arising Out of PS. Case No.-902 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

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UMESH KUMAR Son of Shri Mahendra Ram Resident of Village - Babu  
Tola Hathsarganj, P.o. - Hajipur, P.S. - Hajipur Town, Dist. - Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kajal Kumari Wife of Umesh Kumar, D/o Rajesh Kumar Resident of Village  
- Lakshmanpur Kairitola, P.s. - Alamganj, Distt. - Patna

... .. Opposite Party/s

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**Appearance :**

|                            |                            |
|----------------------------|----------------------------|
| For the Petitioner/s :     | Mr.Anil Kumar, Adv.        |
| For the Opposite Party/s : | Mr.Manoj Kumar, APP        |
|                            | Mr.Mushtaque Alam, Adv.    |
|                            | Ms.Saobiya Mushtaque, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      16-01-2024              Heard learned counsel for the petitioner, learned counsel  
for the O.P. No.2 and learned APP for the State.

2.      The petitioner apprehends his arrest in a case registered  
for the offences punishable u/s 323, 504, 506, 498(A), 109 of  
the IPC and  $\frac{3}{4}$  of D.P. Act but cognizance has been taken u/s  
498(A) IPC and  $\frac{3}{4}$  of D.P. Act.

3.      Petitioner, who is husband of complainant, is said to have  
tortured the complainant over 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 C.A. Case No. 902 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs.3000.00 (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 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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