

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51442 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- MAHILA P.S. District- Saran

ARBIND KUMAR YADAV @ ARBIND KUMAR S/O RAM LAYAK
YADAV R/O VILLAGE- FATEH RAY KA TOLA, BAKULAHA, P.O AND
P.S- BAIRIYA, DISTT.- BALIA (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar
2. SOBHA KUMARI W/O ARBIND KUMAR YADAV, D/O RAM LAYAK
YADAV R/O VILLAGE- FATEH RAY KA TOLA, BAKULAHA, P.O AND
P.S- BAIRIYA, DISTT.- BALIA (U.P). AT PRESENT D/O SURENDRA
RAY, RESIDENT OF VILLAGE- MANGNI DIH, P.S- MUFFASIL,
DISTT.- SARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP
Mr.Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 5 27-02-2024 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 498(A)/341/323/325/307/34 of
the IPC and ³/₄ of the D.P. Act.
3. Petitioner, who is husband of informant, is said to have
tortured the informant 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*. He is ready to keep his wife with all dignity and respect but she herself is not ready to live with the petitioner.

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 Chapra Mahila P.S. Case No.45 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.2000.00 (Rupees Two Thousand) per month to the O.P. No.2 (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 O.P. No.2 is directed to furnish the bank account details of the informant 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 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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