

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66145 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Nishant Kumar Son Of Ranjit Prasad Sah @ Ranjit Village- Gandhi Chowk,
Ps- Kotwali, Dist- Munger. Present Residing At Mohalla- Shadipur, Machali
Adhat (Near Chhoti Kali Sthan), Ps- Kotwali, Dist- Munger

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Suman Kumar Wife Of Nishant Kumar, D/O Ramkeshwar Sah Village-
Birpur, Ward No. 6, Near Patrol Pump, Ps- Birpur, Dist- Begusari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard learned counsel for the petitioner, learned counsel

for the opposite party 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 under Sections 323, 307,
498(A), 406, 34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act and later on cognizance has been taken
only u/s 498(A) of the I.P.C. and u/s 3/4 of Dowry Prohibition
Act.

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. He further submits that opposite party no. 2 has filed a Maintenance Case No. 21 of 2023 before the learned court below in which petitioner charged to pay Rs. 9,000/- per month to the opposite party no.2. He further submits that petitioner has deposited the said amount in Nazarat of the Civil Court at Begusarai. He is still ready to keep her with full honour and dignity. 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. 76C of 2023, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.,

6. Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

7. Petitioner is directed to deposit the said amount i.e. of Rs. 9,000/- in the account of the opposite party no.2 which was passed in Maintenance Case No. 21 of 2023.

8. 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.

9. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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