

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68855 of 2023

Arising Out of PS. Case No.-954 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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KUNDAN KUMAR Son of Shankar Prasad Sinha Resident of Village-Subhanpur, P.O.-Bhatta, P.S.-Kashichak, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. VIBHA SINHA Wife of Kundan Kumar Resident of Village-Subhanpur, P.O.-Bhatta, P.S.-Kashichak, District-Nawadat at present resides at Village-Ganwan, P.S.-Ganwan, District-Giridih, Jharkhand Mobile No. 9431003981

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of complainant, is said to have tortured upon her physically and mentally and ousted her from the 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 he 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. It is further submitted that prior to the present case, the petitioner had filed Matrimonial Case No. 61 of 2022 for divorce on 29.03.2022. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. 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. 954 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is ready to pay Rs.3,000.00 (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.



8. 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.

9. Learned counsel for the complainant is directed to furnish the bank account details of the complainant. 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.

10. 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.

11. With the aforesaid observation and direction, this application stands allowed.

(Anjani Kumar Sharan, J)

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