

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72902 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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RAJU PRASAD SON OF LATE INASI PRASAD MARAHAM @ INASI
PRASAD RESIDENT OF VILLAGE - DIDHAWALIA, POLICE STATION -
RAGHUNATHPUR, DISTRICT - SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUNITA DEVI WIFE OF RAJO PRASAD, DAUGHTER OF SITA RAM
PAL RESIDENT OF VILLAGE - DIDHAWALIA, POLICE STATION -
RAGHUNATHPUR, DISTRICT - SIWAN AT PRESENT VILLAGE -
NAYANPURA, POLICE STATION - PACHRUKHI, DISTRICT - SIWAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Shashi Kumar Sharma, Adv.
For the Opposite Party/s :	Mr.Ahmad Ali, APP.
	Mr. Rajiv Kumar, Adv.
	Mr. Gajendra Kumar Singh, Adv.
	Ms. Madhulata Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 120(B), 498(A), 494, 406, 506 of the Indian Penal Code and later on, learned Court below took cognizance under Sections 323, 506, 120(B), 405, 498(A) of the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to have ousted her from the matrimonial home in association of his family members and also solemnized second marriage with one widow Muslim woman.



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 drove her out of her matrimonial home nor solemnized second marriage. 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. 645 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. 4,000.00 (Rupees Four 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 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.

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 allowed.

(Anjani Kumar Sharan, J)

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