

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1077 of 2024

Arising Out of PS. Case No.-1375 Year-2022 Thana- COMPLAINT CASE District- Jamui

VIKASH KUMAR SON OF GANESH YADAV R/O VILLAGE- HARANA,
P.S.- JHAJHA, DIST.- JAMUI

... .. Petitioner/s

Versus

1. The State of Bihar PATNA
2. MANJU DEVI D/O SHAMBHU YADAV R/O VILLAGE- GANGARA
NAWADA TARDIH, P.O. AND P.S.- GIDHAUR, DIST.- JAMUI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Shaheen Begum, APP. Mr. Akash Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-04-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498(A) of the Indian Penal Code and Section 3 & 4 of D.P. Act.

3. Petitioner, who is husband of complainant, is said to have tortured upon her physically and mentally and also ousted her from her matrimonial house 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



ousted her from matrimonial house nor tormented her over the demand of dowry. All the allegations levelled against the petitioner are false and based on concocted facts. The real fact is that the complainant herself went to her parental house as she does not want to live with the petitioner and his family members. It is further submitted that prior to filing of the instant complaint case, the petitioner filed a divorce case i.e. Divorce Case No. 141 of 2022 under Section 13 of the Hindu Marriage Act on 26.08.2022. Petitioner is still ready to keep her wife 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**. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

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. 1375-C 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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