

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1560 of 2024

Arising Out of PS. Case No.-1248 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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AVINASH KUMAR @ AVINSH KUMR S/O SUSHIL SINGH R/O PVT.
HOUSE, ARJUN ROAD, B.V.I.T. GOUSHALA, SINDRI P.S- SINDRI,
DISTT.- DHANBAD (JHARKHAND).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. PRIYANKA KUMARI W/O AVINASH KUMAR @ AVINSH KUMR AND
D/O ASHOK KUMAR R/O RORABAG CHAURANGI MORE,
GAUSHALA, SINDRI, P.S- SINDRI, POST- MOTINAGAR, DISTT.-
DHANBAD (JHARKHAND) AND PRESENT ADDRESS AT VILLAGE-
MANKOSHI, P.S- BODH GAYA, DISTT.- GAYA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs. Suman Kumari Singh, APP
For the O.P. No.2	:	Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned

APP for the State but in spite of valid service of notice none is

present on behalf of opposite party no.2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A/34

of the Indian Penal Code and Section 3 and 4 of the Dowry

Prohibition Act.

3. Petitioner, who is husband of opposite party

no.2, is said to have 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 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**.

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.1248/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs.3,000.00 (Rupees Three Thousand) per month to the opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 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 opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

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. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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