

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17610 of 2017

Arising Out of PS.Case No. -75 Year- 2012 Thana -PATNA COMPLAINT CASE District- PATNA

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Shankar Shambhu Prasad @ Monu @ Shankar Shambhu Kumar, son of
Surendra Prasad, resident of mohalla 329/1 Makhlapara, near the Uttarpara
Power House Dalipara, P.S. Uttarpara, district Hoogli, West Bengal

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Jyoti Devi, wife of Sri Shankar Shambhu Prasad @ Monu,
daughter of Sadanand Singh, resident of mohalla 329/1 Makhlapara,
near the Uttarpara Power House Dalipara, P.S. Uttarpara, district
Hoogli, West Bengal, at present resident of Khanpura, P.S.
Bhagwanganj, district Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Uday Prasad, Adv.
For the State : Mr. Shyam Kumar Singh, APP 138
For the complainant : Mr. Sanjiv Saran, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-06-2017 Heard the learned counsel for the petitioner,
the complainant and the State.

This is a petition for grant of anticipatory bail
for offence under Section 498A of the Indian Penal Code.

The petitioner is husband of the com. Allegation is
of demand of dowry and torture for the same.

The matter was sent for re-conciliation. However,
the same failed, as per report of the Mediator, dated 23.06.2017.

Today, it has been informed by the petitioner that the
petitioner had filed a case for restitution of conjugal rights and,
thereafter, a case for divorce against the complainant and a decree
has been passed in that case.

The complainant has challenged the ex-parte decree
of divorce as well as has filed a petition for maintenance before



the learned Principal Judge, Family Court, Patna.

Considering the aforesaid factual situation as well as liability of the petitioner to pay maintenance to his wife and two children, the petitioner agrees to pay rupees ten thousand to his wife and two children every month till final result of the maintenance case pending before the competent Court.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each in connection with **Complaint Case No. 75(c) of 2012** to the satisfaction of the **Subdivisional Judicial Magistrate, Masaurhi, Patna**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code with the condition that the petitioner shall deposit the maintenance amount of this month before filing of the bail bond and shall regularly deposit the remaining amount of maintenance every month, in the Bank account of the complainant, failing which that would be a ground for cancellation of bail bond of the petitioner.

(Birendra Kumar, J)

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