

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46127 of 2018

Arising Out of PS. Case No.-274 Year-2017 Thana- KADAMKUAN District- Patna

Santosh Kumar S/o Late Naresh Singh, R/o Vill.- Balgudar, P.S.- Balgudar,
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Adv & Mr. Arun Kumar, Adv
For the State	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Apurv Harsh, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 25-09-2018 Heard learned counsel for petitioner and learned counsel
for the State as well as learned counsel for the Informant.

Petitioner apprehends his arrest in connection with
Kadamkuan P.S. Case No. 274 of 2017 registered for the offence
punishable under Sections 498A, 494, 120B of the Indian Penal
Code and Section 3/4 of D.P. Act.

Informant Ankita Kumari filed a written complaint
before the Officer-In-Charge, Kadamkuan P.S. on 28.06.2017
alleging therein that she was married to petitioner on 30.11.2014
who is a clerk in Punjab National Bank and sufficient cash,
ornaments and household articles were given during marriage but
after few days she was being compelled to bring more dowry in
form of cash and on her denial she was subjected to torture. It has
been further alleged that petitioner has solemnized second



marriage during subsistence of first marriage.

It has been submitted on behalf of petitioner that allegation of demand of dowry and torture is false. He had filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the year 2015 and same was dismissed on 31.08.2018 by the Principal Judge, Family Court, Sheikhpura, as petitioner was not willing to take his wife to her matrimonial house. The complainant is residing at her parental house and all efforts of reconciliation and reunion of married life has failed. The relation between the husband and wife became strained from the early stage of married life and even Panchayati was held to resolve the marital discord but all efforts proved futile. Even this Court gave opportunity to the parties to resolve the issue but nothing positive happened.

After considering the nature of allegation and brief stay of complainant in her matrimonial house and no specific allegation of torture being made in complaint petition, this Court finds that petitioner is entitled to grant of anticipatory bail.

Let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned **Sub-Judge-VII-cum-Additional Chief Judicial Magistrate, Patna**, in connection with **Kadamkuan P.S. Case No. 274 of 2017**, subject to the conditions



laid down under Section 438(2) of the Cr.P.C, with following conditions:-

(1) Petitioner will pay a maintenance amount of Rs. 8000/- per month directly to be deposited in the Bank Account of complainant, for which the complainant shall provide her bank account number, to the petitioner, in first week of every month starting from the month of October-2018, till any interim order is passed by the Court where complainant has filed maintenance case under Section 125 of the Cr.P.C. and failure of petitioner in depositing the maintenance amount for two consecutive months will entail in cancellation of his bail bond.

(2) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(3) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(4) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The trial court shall conclude the trial within one year from the date of filing of Chargesheet.

(S. Kumar, J)

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