

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9317 of 2019**

Arising Out of PS. Case No.-1097 Year-2016 Thana- KATIHAR COMPLAINT CASE  
District- Katihar

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Santosh Kumar Mehta, S/o - Ram Pravesh Mehta, R/o - Mosoriya Pacchiyari  
Tola, P.S.- Sarsi, Dstt- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi, W/o Santosh Kumar Mehta, D/o Gopal Mehta, R/o Rampur,  
P.S.- Korha, Distt- katihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh  
For the Opposite Party/s : Mr. Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

5      16-07-2019                      This is an application for grant of anticipatory bail in connection with Complaint Case No.1097 of 2016, disclosing offences under Sections 498A, 494 of IPC and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be the husband of the complainant and other accused persons is for demand of dowry and ousted her from the house.

Submission of the learned counsel for the petitioner is that earlier he has filed a case for restitution of conjugal rights in the year 2015 and he is still ready to keep her with full dignity and care but the complainant is not ready to reside with him.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for



anticipatory bail by stating that petitioner has already solemnized second marriage and it is not possible to reside with him and no amount of maintenance has been paid up till now and in that connection, a maintenance case no. 62 2017 is pending before the Principal Judge, Family Court, Katihar.

Having heard both sides, in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the learned court below by 23.07.2019 and on surrender, he will be released on bail to him own satisfaction with condition that he will be abide by any order either interim or final passed by the Principal Judge, Family Court, Katihar and at the same time, Principal Judge, Family Court, Katihar is directed to proceed with the maintenance case and pass an order of interim maintenance.

Needless to say that petitioner has to co-operate in disposal of the same. Let a copy of the order be also communicated to the Principal Judge, Family Court, Katihar.

With the aforesaid observations, this application is disposed of.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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