

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13586 of 2019

Arising Out of PS. Case No.-307 Year-2018 Thana- BUDDHACOLONY District- Patna

Shane Stark aged about 35 years (Male), Son of Ernest Stark, Resident of North Mandiri, P.S.- Buddha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Selin Shane Stark Wife of Shane Stark, Resident of North Mandiri, High Screen Lane, Ward No. 26, P.S.- Buddha Colony, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 07-11-2019 The petitioner apprehends his arrest in connection with the Budha Colony P.S. case no. 307 of 2018 registered under Sections 341, 323, 427, 498(A), 34 of IPC and $\frac{3}{4}$ of the Dowry Prohibition Act.

The allegation against the petitioner is that the petitioner being husband of O.P. No.2 after the marriage solemnized on 26.05.2018 started demanding dowry in the shape of motorcycle and land and due to non-fulfillment of demand, the informant was being tortured mentally and physically by the petitioner and other family members of the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged



and the petitioner is willing to keep the informant as his wife with all care, honour and dignity.

Learned counsel for the informant submits that the informant is not willing to stay with the petitioner inasmuch as the informant was ill treated and tortured by all the family members including the petitioner.

However, learned counsel for the petitioner submits that the petitioner is ready to give a sum of Rs. 5000/- per month to the informant by way of living cost, subject to the final outcome of any matrimonial or maintenance case filed between the parties.

The offer made by learned counsel for the petitioner is accepted by informant, accordingly in view of the offer made by the petitioner and accepted by the O.P. No.2, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that a sum of Rs. 5,000/- per month shall be paid by the petitioner in the bank account of the O.P. No.2 regularly. The account number of the informant shall be provided by learned counsel for the O.P. No.2 to the learned counsel for the petitioner within 10 days. The said amount of Rs. 5,000/- shall be deposited by 15th of November, 2019 by the petitioner. The petitioner will deposit the said amount every month by 15th day



of that month positively.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna in connection with Budha Colony P.S. Case No. 307 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the household articles kept by the O.P No.2 in the tenanted house taken on rent by the petitioner for the purpose of living of the O.P. No.2 shall be removed by the O.P. No.2 and the petitioner will surrender the tenancy to the land lord concerned withing 15 days.

In case, if the petitioner deviates from his promise and fail to deposit a sum of Rs. 5,000/- per month in the bank account of O.P. No.2, O.P. No.2 shall be at liberty to move an appropriate application before an appropriate court of law.

(Anil Kumar Sinha, J)

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