

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14990 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- MAHILA P.S. District- Patna

VIVEK RAJ @ VIVEK KUMAR Son of Late Hira Sah Resident of Eastern
Sipara, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-07-2019 The petitioner apprehends his arrest in connection with

Phulwarisharif Mahila P.S.Case No. 165 of 2018 registered

under Sections 498A/34 of the Indian Penal Code and 3 and 4 of

the Dowry Prohibition Act.

Allegation against the petitioner, as per FIR, is that

informant was married to the petitioner 16 months ago

according to Hindu rites and customs . It has been alleged that

after marriage, petitioner along with other accused persons

started demanding dowry from the informant of about 10 lacs

and due to non-fulfillment of the same, the informant was being

tortured mentally and physically.

Learned counsel for the petitioner submits that

petitioner is innocent and has falsely been implicated in this

case. Learned counsel further submits that in fact petitioner has

filed a matrimonial suit bearing No. 646 of 2018 before the



Principal Judge, Family Court, Patna on 19.06.2018 and the informant i.e., O.P.No. 2, after receiving the notice in the matrimonial suit, has lodged the present FIR under Section 498A of the Indian Penal Code against the petitioner.

Learned counsel for the petitioner and learned counsel for O.P.No. 2 are present along with their respective clients i.e., petitioner and O.P. No. 2. During the course of negotiation, petitioner has offered to pay a sum of Rs. 5000/- per month to the informant/O.P.No. 2 for the purpose of meeting her day to day expenses, however, upon query, petitioner is not willing to live with O.P.No. 2 as he has informed this Court that he has already filed divorce suit on the ground of alleging cruelty against O.P.No. 2, however, O.P.No. 2 is willing to live with her husband i.e., the petitioner.

In view of the fact that petitioner has already filed a divorce suit against O.P.No. 2 and further the offer made by the petitioner for payment of Rs. 5000/- per month has been accepted by the O.P.No. 2.

Accordingly, on the condition that petitioner shall be continuing to pay a sum of Rs. 5000/- per month to O.P.No. 2 in her Bank Account bearing No. 50248100008759 of Bank of Baroda by 10th of every month starting from August, 2019, I am



inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Smt. Priya Shekhar, Judicial Magistrate, 1st Class, Patna in connection with Mahila (Phulwarisharif) P.S.Case No. 165 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

However, this amount paid by the petitioner will be subject to final amount fixed by the competent court in a maintenance case, if any, filed by O.P.No. 2.

(Anil Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

