

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21824 of 2019**

Arising Out of PS. Case No.-721 Year-2017 Thana- BHOJPUR COMPLAINT CASE  
District- Bhojpur

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SUNIT SINGH @ SUNIT KUMAR SINGH Son of Late Rambharosa Singh  
Resident of Village - Dhobha Bazar, P.S.- Ara Muffasil, Distt - Bhojpur.  
Presently residing at, A-57, Gali No. 7 Chandra Bihar, P.S.- Madhu Bihar,  
New Delhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gitanjali Singh Wife of Sunit Singh @ Sunit Kumar Singh, D/o Sri  
Chatrubhuj Singh Resident of Mohalla - Merry Stops Campus, Club Road,  
P.S.- Nawada, Ara, Distt - Bhojpur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ravindra Kumar  
For the Opposite Party/s : Mr.Nand Kishore Prasad

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

4      01-08-2019              The petitioner apprehends his arrest in connection with  
  
Complaint P. S. Case No. 721C of 2017 in which cognizance  
  
has been taken under Section 498A/34 of the Indian Penal Code  
  
and Sections 3 and 4 of the Dowry Prohibition Act.

Allegation against the petitioner, as per complaint, is that  
  
marriage of the complainant was solemnised with petitioner on  
  
03.05.2014. It has further been alleged that a total sum of Rs. 20  
  
lacs was spent by her father at the time of marriage. It has  
  
further been alleged that petitioner had some relationship with  
  
another girl prior to marriage when the complainant went to her  
  
*Sasural*, she was tortured by the family members of the



petitioner and in 2015, complainant was taken to Delhi by the petitioner where she was tortured by him and thereafter petitioner along with complainant came at Ara and he left the complainant at Ara Station.

In sum and substance, the allegation is that complainant was being tortured by the petitioner physically and mentally and no food and medicine were being provided to her by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that there is general and omnibus allegation against the petitioner and his entire family members have been implicated. He further submits that petitioner has filed a matrimonial case for divorce bearing case no. 96 of 2017 before the Principal Judge, Family Court, Vishwas Nagar, New Delhi in which decree of divorce has been passed on 23.02.2019.

On the other hand, learned counsel for the O.P.No. 2 submits that petitioner used to torture O.P.No. 2 and did not provide proper treatment and medicine etc. causing her mental torture and also assaulted physically. He further submits that decree of divorce obtained by the petitioner is an *ex parte* decree. He further submits that in a proceeding before the Family Court, Bhojpur at Ara, a sum of Rs. 10,000/- per month



has been awarded by the court as interim maintenance to be paid by the petitioner to complainant i.e., O.P.No. 2, but since April, 2018, no payment of interim maintenance has been made by the petitioner. However, learned counsel for the petitioner submits that subject to final order or final decision taken in maintenance case or any proceeding for realisation of arrears of maintenance from the petitioner by O.P.No. 2, petitioner is ready to pay a sum of Rs. 5,000/- per month with effect from 15<sup>th</sup> August, 2019 for the purpose of maintenance/living cost of the complainant/O.P.No. 2 subject to final outcome of the maintenance case or divorce proceeding. The offer made by the petitioner has been accepted by the O.P.No. 2 without prejudice to her rights.

In view of the aforesaid, I am inclined to grant anticipatory bail to the petitioner subject to condition that petitioner shall be paying Rs. 5,000/- per month starting from 15<sup>th</sup> August, 2019 to the complainant.

Let the petitioner, above-named, 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 learned SDJM,



Bhojpur at Ara in connection with Complaint Case No. 721C of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the amount of Rs. 5,000/- per month shall be paid by the petitioner as aforesaid, subject to final decision taken in the maintenance case or execution petition, arising out of same, and any order whatsoever passed in divorce proceeding initiated by the petitioner before the Delhi Court.

**(Anil Kumar Sinha, J)**

sujit/-

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