

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31094 of 2019

Arising Out of PS. Case No.-537 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Sachin Saurabh, Son of Laxman Prasad, Resident of Mohalla- Mahabiri Path,
Babunia More Police Station- Siwan Town, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Asmita, Wife of Sachin Saurabh, Daughter of Keshaw Prasad Gupta,
Resident of Mohalla- Nai Bazar Khanua, Post Office Chapra, Police Station-
Bhagwan Bazar, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-07-2019 This is an application for grant of anticipatory bail in connection with Bhagwan Bazar P.S. Case No. 537 of 2018, disclosing offences under Sections 498A, 323, 387, 313, 511 and 379 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is of subjecting the complainant-wife to cruelty and also administered poison and assaulted her with respect to demand.

Submission of learned counsel for the petitioner is that the whole allegation is false and concocted and he has already filed a petition for restitution of the conjugal rights under Section 9 of the Hindu Marriage Act. He is still ready to



keep her with dignity and care.

On the other hand, learned counsel for the opposite party no.2 has opposed the prayer for anticipatory bail on the ground that due to the result of assault by the petitioner, her child after birth died and he has also tried to administer poison to him. She has also filed a case against the petitioner. Though petitioner has taken a plea that he is still ready to keep her but when the opposite party no.2 has appeared before the Additional Sessions Judge, during argument of bail, petitioner did not appear in spite of repeated calls and that shows the conduct of the petitioner.

Having heard both sides and also considering the fact that no amount has been paid by the petitioner to his wife, though she has filed a Maintenance Case No.265 of 2018, as such, this application is disposed of with direction to the petitioner to surrender before the learned court below by 08.08.2019 and on condition that he will pay Rs. 4000/- per month to the opposite party no.2 in the account of opposite party no.2 which shall be supplied by her before the court below, till any interim or final order is passed in the maintenance case, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount to the satisfaction of learned C.J.M., Chapra, in connection with Bhagwan Bazar P.S. Case No. 537 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

It is also made clear that failure to payment of maintenance continuously for three months, the opposite party no.2 shall be at liberty to move for cancellation of the bail bonds of the petitioner before the court below itself.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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