

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30825 of 2019

Arising Out of PS. Case No.-956 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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LAL BAHADUR RAM S/o Chandasi Das Resident of Village- Naya Panapur
Maus, P.S.- Akilpur, District- Patna, at present residing Chini Mill Bihta Gali
No. 2, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shail Kumari Devi D/o Late Suresh Ram Resident of Village- Haldichapra
Naya Tola, P.S.- Maner, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra
For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 04-09-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 956C of 2017 in which cognizance under

Sections 498A of the Indian Penal Code has been taken by the

learned Magistrate.

Allegation against the petitioner, as per complaint, is that
marriage of the petitioner was solemnised with O.P.No. 2 about
15 years ago. It has further been alleged that petitioner and other
family members started torturing the informant and subjected
her to cruelty for bringing less amount as dowry.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in this case inasmuch as petitioner is ready to keep



O.P.No. 2 as his wife along with children.

Both, petitioner and O.P.No. 2, are present in person before this Court along with their respective learned counsels and upon query made to O.P.No. 2, who is wife, she refused to live with the petitioner and informs that petitioner used to torture her brutally and she is not willing to live with the petitioner right now. She further states that right now she is residing with her mother in a rented house situated in Chauhatta Road, Maner, the address of which shall be provided by O.P.No. 2 to the petitioner by tomorrow inasmuch as, as per claim of O.P.No. 2 that petitioner has kept bank account passbook of her mother and AADHAR Card of O.P.No. 2 and her children, which the petitioner undertakes to handover to O.P.No. 2 at the place where she is residing along with her mother by tomorrow.

However, without prejudice to the rights and contentions of the parties, petitioner offers to make payment of a sum of Rs. 4000/- per month to O.P.No. 2 in the bank account provided by her, will be the account of her mother as the O.P.No. 2 is not having her separate bank account.

O.P.No. 2 further undertakes to provide bank account number to her learned counsel by day-after-tomorrow after the passbook or the bank account of her mother is provided to her



by petitioner tomorrow. The offer made by petitioner has been accepted by O.P.No. 2 without prejudice to the rights and contention and subject to matrimonial case, if any, filed between the parties.

In view of the aforesaid, provisional anticipatory bail granted to the petitioner by order dated 14.05.2019 hereby confirmed and the bail bond furnished by the petitioner in the court below shall be treated to be bond furnished pursuant to this order, subject to condition that petitioner will be depositing a sum of Rs. 4000/- per month in the bank account of mother of the O.P.No. 2, starting from 20th September, 2019 and subsequently, latest by 10th day of every month, subject to final outcome of matrimonial case, if any, filed by the parties.

O.P.No. 2 is given liberty to prefer an application for cancellation of bail, if petitioner does not abide by the terms and conditions of his bail and deviates from depositing the monthly amount of Rs. 4000/- per month as agreed by him.

Accordingly, this application stands disposed of.

(Anil Kumar Sinha, J)

sujit/-

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