

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29527 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- COMPLAINT CASE District- Lakhisarai

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Pritam Kumar @ Pritam Kumar Pappu aged about 32 years (Male) Son of Shiv Nandan Sharma, Resident of Village - Jodhi Bariarpur, P.O.- Laheshdhani, P.S.- Pipri Bazar, Dist.- Lakhisarai,. Presently residing of New Ashok Nagar Gali No.20, Flat no. Room No.179, P.S.- Ashok Nagar, Dist.- Delhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shabnam Kumari @ Guria W/o Pritam Kumar , D/o late Prakash Thakur, Resident of Village - Chanaanpura, P.O.- Alinagar, P.S.- Surajgarha, Dist.- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar, APP
For the Opposite Party/s :	Mr.Binod Kumar, APP
For Opposite Party No. 2:	Mr. Rabi Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 27-11-2019 Heard learned counsel appearing for petitioner as well as well as learned Additional Public Prosecutor for the State. Also heard learned counsel appearing for opposite party no. 2.

Petitioner being husband of the complainant apprehends his arrest in connection with Complaint Case No. 121C/2018 in which cognizance has been taken in the offence punishable under Section 498 and 307 of the Indian Penal Code and 3 / 4 of Dowry Prohibition Act.

Learned counsel appearing for petitioner submits that



petitioner is regularly paying Rs. 2,500/- to opposite party No. 2, and so far as allegation of torture as well as demand of dowry is concerned, the same is nothing but only brainchild of legal experts. He, further, submits that, as a matter of fact, the opposite party No. 2 has herself tortured the petitioner. However, he, further, submits that the petitioner is ready to pay Rs. 4,000/- per month to opposite party No. 2 towards her as well as maintenance to child.

Learned counsel appearing for opposite party No. 2 opposed the prayer submitting that there is specific allegation of torture as well as demand of dowry against the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in Complaint Case No. 121C of 2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C, and, further, subject to condition that the petitioner shall pay Rs. 4,000/- per month to opposite party No.



2 in the second week of every month till final disposal of above stated complaint Case No. 121C/2018. However, it is made clear that failure to make payment of the above stated amount on part of petitioner shall give right to opposite party No. 2 to make prayer before the trial court to cancel the bail of the petitioner and if opposite party no. 2 files petition for cancellation of bail, the concerned court shall pass appropriate order in accordance with law.

(Hemant Kumar Srivastava, J)

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