

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30948 of 2019**

Arising Out of PS. Case No.-1064 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Nilotpal Mrinal @ Sonu, Son of Dr. Virendra Mohan Jha Resident of Village-
Harri, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rakhi Kumari, Wife of Nilotpal Mrinal @ Sonu, Daughter of Gopal Kumar Jha At present resident of Mohalla- kashipur Ward No.12, P.S.- Town, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-09-2019 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the State as well as learned
counsel for Opposite Party No.2.

Petitioner apprehends his arrest in connection with
Complaint Case No.1064 of 2018 (E.R. No.314 of 2018) for the
offence punishable under Sections 120B, 420, 379, 498A of the
Indian Penal Code and ¾ of Dowry Prohibition Act.

The allegation against the petitioner as per the
complaint is that marriage of the petitioner was solemnized with
Opposite Party No.2 on 14.07.2013 in which about 11 to 12
lacks of rupees were spent by parents of the complainant. It has



further been alleged that soon after the marriage, the petitioner along with other accused persons started demanding four wheeler motorcycle, TV, fridge, washing machine etc. from the complainant and her family members and due to non-fulfillment of the same, they tortured the complainant physically as well as mentally and in 2015 after snatching the belongings of the complainant, she has been ousted from her matrimonial home.

Kumari Vandana, learned counsel appearing for the petitioner submits that allegation levelled against the petitioner is completely concocted inasmuch as the petitioner is ready and willing to keep the Opposite Party No.2 as his wife with all care and dignity.

On the other hand, Mr. Chaudhary Shyam Nandan, learned counsel appearing for Opposite Party No.2 vehemently opposes the prayer for anticipatory bail and submits that petitioner and his family members brutally assaulted the complainant physically and mentally and she is not willing to live with the petitioner. The matter was referred for Mediation and it appears that the parties did not arrive at any amicable settlement over there.

However, without prejudice to rights and contentions of the parties, learned counsel for the petitioner on instruction



submits that petitioner is ready and willing to pay a sum of Rs.5,000/- per month to the complainant subject to final outcome of any matrimonial case lodged by the parties. Learned counsel appearing for Opposite Party No.2 accepted the offer made by the petitioner without prejudice to her rights and contentions, subject to final outcome of any matrimonial case lodged by the parties.

In view of the aforesaid, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur, subject to the condition that he will pay a sum of Rs.5,000/- to the Opposite party No.2, i.e., complainant in her bank account regularly starting from 15th September, 2019. The account number of Opposite Party No.2-complainant shall be provided by Mr. Chaudhary, Advocate, to learned counsel for the petitioner, Ms. Kumari Vandana by tomorrow.

It is made clear that at the time of surrender, the petitioner will annex the proof of making payment of Rs.5,000/-



for the month of September along with surrender-cum-bail application and shall keep on paying the sum of Rs.5,000/- every month till the final outcome of matrimonial case, if any, filed between the parties.

Accordingly, this bail application is disposed of with the above observation.

(Anil Kumar Sinha, J)

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