

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34884 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- THAWE District- Gopalganj

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PRAKASH KUMAR S/o Rama Shankar Sah R/o village- Barahan, P.S.-
Siwan, Distt.- Siwan, at present R/o C.I.M.F.R. Colony, Digwadih No. 12,
P.S.- Jora Pokhar, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi W/o Prakash Kumar, D/o Nand Lal Sah At Present R/o village-
Amaithi Khurd, P.S.- Thawe, District- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-08-2019 This application, for grant of anticipatory bail, arises

out of Thawe P.S. Case No. 41 of 2019, disclosing offences

under Sections 341, 323, 504, 506, 498-A and 34 of the Indian

Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of opposite party no.

2 and allegation against him is of subjecting opposite party no. 2

to cruelty and torture with respect to demand of dowry of Rs. 1

lac and a bullet motorcyle.

Submission of learned counsel for the petitioner is

that entire allegation is false and concocted and as a matter of

fact opposite party no. 2 is ill behaved lady and she tortured

whole family member including parents and due to which, the



petitioner has filed a divorce case and after notice in the divorce case, the present case has been filed. It has further been submitted that as per order of learned Family Court, Dhanbad, he is paying Rs. 2500/- per month towards her maintenance.

Heard learned A.P.P. as well as learned counsel appearing on behalf of opposite party no. 2. Learned counsel for opposite party no. 2 has opposed the prayer for anticipatory bail on the ground that in spite of direction of learned Family Court, Dhanbad, the petitioner is not paying any amount towards her maintenance and opposite party no. 2 is still ready to live with the petitioner but the petitioner is not ready to keep her.

Having heard both sides, considering the facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Thawe P.S. Case No. 41 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with further subject to the condition that petitioner will regularly pay the amount maintenance amount to the opposite party no. 2 as fixed by the



learned Family Court, Dhanbad and if petitioner fails to pay the same for three consecutive months, opposite party no. 2 will be at liberty to move court below for cancellation of bail bond of the petitioner.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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