

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35063 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Mukesh Kumar Sah @ Mukesh Sah @ Mukesh Kumar, S/o Surya Narayan Sah @ Suraj Narain Sah, R/o Village- Bihariganj, Ward No. 15 (Near Hatiya), P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Kumari, W/o Mukesh Sah @ Mukesh Kumar Sah @ Mukesh Kumar R/o village- Bihariganj, Ward No. 15, P.S.- Bihariganj, District- Madhepura. Presently D/o Prabhu Dayal Sah, R/o Mohalla- Goshala Chowk, Murliganj, P.S.- Murliganj, District- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 08-08-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 385 of 2018, disclosing offences under Section 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner, who happens to be the husband of the opposite party no.2-wife is of demand of recovery Rs.2,00,000/- and for that, subjecting her to cruelty and assault.

Submission of learned counsel for the petitioner is that she is suffering from mental disease and there is no cohabitation between husband and wife, for that, he has filed a



Divorce Case No. 22 of 2018 before the learned Family Court, Madhepura.

Heard learned APP as well as learned counsel appearing on behalf of the opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that the opposite party no.2 has appeared before the learned Sessions Judge and she was not found to be suffering from any mental disease.

Having heard both sides, in view of the facts and circumstances, as stated above, this application is disposed of with a direction to the petitioner, above named, to surrender before the learned court below by 18.08.2019 and on condition that he will pay Rs.3000/- per month to the opposite party no.2 for a period of one year. During that period, it is expected that the opposite party no.2 shall file an application before the learned Family Court for grant of maintenance and the petitioner shall abide by any order passed in the maintenance case if any filed by the opposite party no.2, either interim or final, unless the same is set aside by any higher court. The petitioner shall 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 S.D.J.M.,



Madhepura, in connection with Complaint Case No. 385 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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