

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41765 of 2019

Arising Out of PS. Case No.-479 Year-2017 Thana- COMPLAINT CASE District- Supaul

PRAMOD KUMAR @ PRAMOD MANDAL Son of Vidyanand Mandal
Resident of Village - Majhaura (Ratansar), P.S.- Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Asha Devi Daughter of Asharfi Sahani Resident of Village - Jiwachhpur,
P.S.- Chhatapur, District - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Choudhary
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 08-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 479C of 2017, disclosing

offences under Sections 498A, 323 and 494 of the Indian Penal

Code.

Petitioner happens to be husband of the complainant
and allegation against the petitioner is of subjecting the
complainant to cruelty and torture with respect to non fulfilment
of demand of dowry.

Submission of learned counsel for the petitioner is
that allegations are false and concocted and he is still ready to
keep the complainant – wife with full honour and dignity and he
has also filed a petition under Section 9 of the Hindu Marriage



Act for restitution of conjugal rights, however, the court below has not considered the aforesaid fact. It has also been submitted that as the complainant was not ready to reside with the petitioner, he remarried with another lady and he is ready to pay the maintenance to the complainant.

Heard learned A.P.P. also. In this case notice was issued to complainant and the notice was also received by her but none has appeared on her behalf.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below within a period of three weeks from the date of receipt of a copy of this order in the court below and on condition that he is ready to pay Rs. 3,000/- per month to complainant towards her maintenance for a period of one year and in that period, the complainant if so desire may move the concerned family court for grant of maintenance from the petitioner and if any order either interim or final passed by the learned Family Court, if the petitioner undertakes that he will abide by the same, the court below shall confirm the provisional bail already granted to the petitioner by a coordinate Bench of this Court vide order dated 08.07.2019.

It is made clear that if the petitioner fails to pay the



aforesaid amount of Rs. 3,000/- to the complainant consecutively for three months, the complainant will be at liberty to move the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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