

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52477 of 2019

Arising Out of PS. Case No.-354 Year-2019 Thana- SAHAYAK NAGAR District- Katihar

RAJENDRA KUMAR HARIJAN @ RAJENDRA HARIJAN Son of Nidhu Harijan @ Budhir Harijan Resident of Bariwaliganj, Police Station- Pakur, District- Pakur (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Puja Kumari Wife of Rajendra Kumar Harijan, Daughter of Anil Kumar Ram Resident of Village- Otipara Katihar, Police Station- Sahayak, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Kumar Sinha
For the Opposite Party/s	:	Mr.Ramchandra Singh
For the O.P. No. 2	:	Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-11-2019 This application, for grant of anticipatory bail, arises out of Town (Sahayak) P.S. Case No. 354 of 2019, disclosing offences under Sections 498(A), 323 and 34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of complainant and allegation against him as per complaint petition is of subjecting the complainant to torture and assault with respect to demand of dowry.

Submission of learned counsel for the petitioner is that the allegation of demand of dowry is against other accused persons and petitioner is working in Railway and the day on



which, it is alleged that petitioner assaulted the complainant, the petitioner was on duty. Further submission is that as the opposite party no. 2 has illicit relationship with some other person, she is not ready to live with the petitioner.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has submitted at the one hand, petitioner is making allegation that opposite party no. 2 has illicit relationship with some other person and on the other hand, he is ready to keep the complainant, which itself the conduct and intention of the petitioner.

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 two 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. 5,000/- per month to complainant towards her maintenance for a period of one year and in that period, the complainant is expected to 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 release him 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 Sub Divisional Judicial Magistrate, Katihar, in connection with Town (Sahayak) P.S. Case No. 354 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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