

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53137 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- BIBHUTIPUR District- Samastipur

SHRAVAN KUMAR Son of Brahamdev Mahto Resident of Village-
Khadiyahi, P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Puja Kumari Wife of Shravan Kumar Resident of Village- Belsanditara, P.S.-
Vibhutipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

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

arises out of Vibhutipur P.S. Case No. 24 of 2019, disclosing

offences under Sections 498A of the Indian Penal Code and

Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the informant and

allegation against him is of subjecting the informant to cruelty

and torture due to which, she started residing in her parental

house but thereafter, petitioner came and taken her to his house

but again, he tortured and assaulted her and thrown her on the

road in deserted condition and, thereafter, she was taken to

hospital for treatment by her family members .

Submission of learned counsel for the petitioner is



that all the allegations are false and concocted and earlier also, he has brought the informant to his house but again, she fled away making false allegation.

Heard learned A.P.P. as well as learned counsel for informant. Learned counsel for informant has opposed the prayer for anticipatory bail and submitted that due to torture and assault, she has earlier started residing in her parental house but petitioner brought her and again tortured her.

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 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 granted to the petitioner by a coordinate Bench of this Court vide order dated 26.08.2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



It is made clear that if the opposite party no. 2 is ready to reside with the petitioner, the petitioner shall keep he with full honour and dignity and in that case, there is no need of granting any maintenance.

(Vinod Kumar Sinha, J)

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