

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71067 of 2019

Arising Out of PS. Case No.-1777 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

=====

Rajesh Thakur S/o Kamla Thakur R/o village- Luhsi, P.S.- Uchakagaon,
District- Gopalganj,

... .. Petitioner

Versus

1. The State of Bihar
2. Pratima Devi W/o Rajesh Thakur, D/o Ashok Thakur at present R/o village- Harihans, P.S.- Husenganj, District- Siwan

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra
For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-11-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Complaint Case No.1777 of 2018 (Trial No.2163 of 2019) registered for offence punishable under Section 498A of the Indian Penal Code.

As per F.I.R. allegation against the petitioner(who happens to be husband of the complainant) and other accused persons is of torturing the complainant mentally and physically and assault due to non-fulfilment of dowry and subsequently, she was ousted from her matrimonial home along with her minor son.

Submission of learned counsel for the petitioners is



that before the learned court below in reconciliation proceeding, the complainant had given bond that she will reside with the petitioner peacefully and she will not abuse and insult any family members and as per undertaking, the petitioner had taken her at his house, but she started quarrel and assaulted the mother of the petitioner and due to that the petitioner went in depression.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail on the ground that the complainant was tortured and assaulted due to non-fulfilment of dowry and she was ousted from her matrimonial home.

In view of facts and circumstances, as stated above, this application is disposed of with a direction to the petitioner to surrender before the court below and the petitioner shall be released on bail to the satisfaction of the court below on condition that he shall pay Rs.2500/- per month to the complainant/Opp.Party no.2 for a period of one year as maintenance. During that period, it is expected that the Opp.Party no.2 shall approach the family court for grant of maintenance.

It is also made clear that if the petitioner fails to pay the amount of Rs.2500/- to Opp.Party no.2 continuously for a



period of three months, in that event Opp.Party no.2 shall be at liberty to move for cancellation of bail granted to the petitioner.

With above observation, this application is disposed of.

(Vinod Kumar Sinha, J.)

nawalkrs/-

U		T	
---	--	---	--

