

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72550 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- HASANGANJ District- Katihar

RAMAKANT CHOUDHARY @ RAMAKAND CHOUDHARY Son of
Trivendi Mandal Resident of Village - Pokheria, P.S.- Hasan Ganj, District-
Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Gudia Wife of Ramakant Choudhary, D/O - Yogesh Kumar @
Sanjay Kumar Mandal Resident of Village - Pokheria, P.S.- Hasan Ganj,
District- Katihar. At present Resident of Village - Malharia, P.O.- Pothia,
P.S.- Falka, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2019 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Hasanganj PS case no. 91 of 2018 instituted for the
offences punishable under Sections 341, 323, 504, 506, 498A of
Indian Penal Code and 3/4 of D.P. Act.

The allegation of the informant who is the wife of
the petitioner herein is that the petitioner and others used to
torture her on account of non-fulfilment of the demand for
dowry.

The learned counsel for the petitioner has



submitted that the petitioner has been falsely implicated in the present case and the fact is that his wife does not want to stay with him. It is further submitted that infact the petitioner had approached this Court for grant of anticipatory bail, which was rejected by a co-ordinate Bench of this Court vide order dated 26.08.2019 passed in Cr. Misc. no. 75527 of 2018 and it has been recorded in the said order that upon the matter being referred to the Patna High Court Mediation Centre, Patna, the mediation had failed and the matrimonial dispute could not be settled. It is further submitted that the petitioner has a clean antecedent and is languishing in custody since 18.09.2019.

The learned A.P.P. for the State Sri Ashok Kumar submits that this Court may considering fixing maintenance to be paid to the wife of the petitioner for her succour.

The learned counsel for the petitioner does not have objection, if the amount of maintenance is fixed to the tune of Rs. 2,000/- per month to be paid to his wife i.e. the opposite party no. 2.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to direct for release of the petitioner on regular bail subject to such conditions as may be imposed by the learned court of Sub-Divisional Judicial



Magistrate, Katihar in connection with Hasanganj PS case no. 91 of 2018, subject to furnish of an undertaking that the petitioner would pay Rs. 2,000/- per month, as maintenance to his wife starting from the month of November, 2019 and in default whereof, the present privilege of regular bail shall stand cancelled automatically.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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