

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3604 of 2019

Arising Out of PS. Case No.-861 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Jai Vikash Jai Ashok Kumar Choudhary R/o Vill- Chandrayan, P.S. Nauhatta,
District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Devi Wife of Jai Vikash Jai, D/o Ashok Choudhary R/o Vill Chandrayan, P.S. Nauhatta, District- Saharsa, Presently residing at Purikh P.S. Bihra, District- Saharsa.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Madhav Jha
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

11 04-03-2020 Rejoinder has been filed on behalf of the petitioner to the counter affidavit filed on behalf of opposite party no. 2. Let the same be kept on record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case No. 861C of 2017, registered for the offence punishable under sections 498A and other sections of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

As per allegation in the complaint, the petitioner was married to the opposite party no. 2 in the year 2013. It is stated



that a sum of Rs. 4.51 Lakh and other ornaments etc. worth Rs. 2 Lakh was given at the time of marriage. Soon after the marriage, demand of Rs. 2 Lakh and a motorcycle started and on non-payment of the same, accused persons used to abuse, assault and torture the opposite party no.2. It is further stated that she brought the conduct of the accused persons to the knowledge of her parents and subsequently a Panchayati also took place where the accused persons accepting their guilt assured that they would keep her properly. On 23.10.2016 she gave birth to a girl child. Thereafter, the torture once again started and the accused also made an attempt to burn her by using kerosene oil.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the complaint are false and concocted and he was always ready to keep his wife with all respect and dignity. It was in fact the opposite party no. 2, who was pressurizing him to live separately from his family.

It is submitted by learned counsel for the opposite party no.2 that Miscellaneous Case No. 20 of 2019 filed by the opposite party no. 2 under section 125 of the Cr.P.C. is pending before the Principal Judge, Family Court, Saharsa. However, she is not receiving any interim maintenance yet. It is further



submitted that for the moment there is no chance of amicable settlement between the parties.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the contents of the affidavits filed on behalf of both the parties, it is directed that during pendency of the case, the petitioner shall pay a monthly maintenance of Rs. 5,000/- per month to the opposite party no. 2 for the maintenance of opposite party no. 2 as well as their minor daughter. It is, however, clarified here that the final settlement of the amount of maintenance would be subject to the decision in the Court below where evidence led by the respective parties shall be taken into consideration.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 861C of 2017, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saharsa subject to the condition



as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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