

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9879 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Raghwendra Kumar Dubey S/o Awadhesh Dubey R/o Manoharpur, P.S.-
Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankita Kumari, W/o Raghwendra Kumar Dubey, D/o Pramod Pandey R/o
Village- Kadiha, P.O.- Shankarpur, P.S.- Indrapuri, District- Rohtas at
Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan
For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner and the

State.

The petitioner, being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be taken after cognizance being taken for the
offence punishable under Section 498(A) of IPC.

The prosecution case, as per the complaint petition is
to the effect that the complainant was married with the
petitioner in the year 2018, but subsequent to the marriage,
further dowry demand of an Alto car was made and due to non-
fulfillment of the same, the complainant was tortured and driven
out from her matrimonial house by all the accused persons



including the petitioner.

It is submitted by the learned counsel for the petitioner admits his marriage with the complainant. However, the complainant is suffering from mental abraison and the petitioner has filed matrimonial suit, being Divorce Case No. 45 of 2019 with a prayer for divorce on 22.02.2019 before the learned Principal Judge, Family Court, Kaimur at Bhabua and thereafter, the present complaint has been filed on 09.04.2019. However, the petitioner is ready to make payment of Rs. 3000/- per month to the complainant from April, 2020 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned Counsel for the complainant submits that complainant is having no information about filing of matrimonial suit and she is ready to resume the conjugal life. However, the complainant reluctantly accepts the offer of the petitioner of taking monthly payment and she undertakes to provide her bank details to the petitioner within a period of three weeks by submitting the same on affidavit before the learned Court below.

Considering the filing of the matrimonial suit at earlier point of time and the present stand of the parties, in order



to save the complainant from destitution and vagrancy with a lurking hope that in future, the issue may reconcile between the parties, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri Rohtas, in connection with Complainant Case No.107 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Above mentioned payment will be subject to any order being passed in matrimonial, maintenance and any other collateral proceedings.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of the bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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