

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16338 of 2020

Arising Out of PS. Case No.-702 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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SANTOSH KUMAR Son of Badri Narayan Resident of Village - Bandachak,
P.O. - Khanwan, P.S. - Narhat, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/O Ramkhelawan Resident of Village - Kanungo Bigha,
P.O. - Ankari, P.S. - Narhat, District - Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Mr. Upendra Yadav, Advocates
For the State	:	Mrs. Sucheta Yadav, APP
For the Opposite Party No. 2:	:	Mr. Arjun Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-12-2020 Heard Mrs. Soni Srivastava, learned counsel for the

petitioner, Mr. Arjun Prasad, learned counsel for the Opposite

Party No. 2 and Mrs. Sucheta Yadav, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with

Complaint Case No. 702/2019 registered for the offence

punishable under Section 498A of the Indian Penal Code.

3. The allegation, as per Complaint Petition, is that

the marriage of Opposite Party No. 2 was solemnized with the

petitioner in the year 2007 and there is allegation that the

petitioner and his family members tortured the complainant



mentally and physically due to non fulfillment of demand of dowry. This Court, vide its order dated 21.10.2020, in order to explore the possibility of settlement between the parties, had given an opportunity to the petitioner to visit the parental house of his wife to bring her along with him in her matrimonial home and live peacefully as husband and wife.

4. Learned counsel for the petitioner submits that in pursuance thereof, petitioner had visited the parental house of his wife on 24.11.2020 and waited outside the house approximately for an hour but there was no response from the side of his wife and his wife did not come out of her house. Learned counsel further submits that out of wedlock one child was born, who is now four years old, and is suffering from some neurological problem and needs continuous treatment. Learned counsel fairly submits that petitioner is ready and willing to pay a sum of Rs. 7000/- per month to the Opposite Party No.2 i.e., his wife, as living cost, subject to the final order, if any, passed in Matrimonial Case for maintenance and decided between the parties.

5. On the other hand, learned counsel for OP No.2 subject to the final outcome of this case, accepts the offer made by the learned counsel for the petitioner.



6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the offer made by the petitioner has been accepted by OP No. 2, the complainant, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that he will deposit a sum of Rs. 7,000/- (Seven Thousand), per month, regularly, starting from January 2021 in the bank account of OP No.2 and the learned counsel appearing for OP No.2 will provide bank account number of OP No.2 to the petitioner within a period of ten days and the amount shall be deposited by the petitioner in the account of OP No.2 by 7th day of every month.

7. It is made clear that at the time of furnishing bail bond, the proof of deposit of Rs. 7000/- for the month of January 2021 shall be produced by the petitioner before the court concerned.

8. In view of the above, petitioner, SANTOSH KUMAR shall be released on anticipatory bail, in the event of arrest or surrender within eight weeks, subject to the aforesaid condition, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Aditi Kumari, learned Judicial Magistrate 2nd



Class, Nawada/concerned court in connection with Complaint
Case No. 702/2019, subject to the conditions as laid down under
Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail
bond all the parties shall follow the guidelines of social
distancing.

(Anil Kumar Sinha, J)

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