

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26316 of 2020

Arising Out of PS. Case No.-1206 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SINGESHWAR CHAUDHARY Son of Kailash Chaudhary Resident of Village and P.S.- Saksohara, District- Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rekha Kumari Wife of Singeshwar Chaudhary, Daughter of Pintu Chaudhary Resident of Village and P.S.- Saksohara, District- Patna, at present resident of Village- Kashichak, P.S.- Biharsharif, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar
For the Opposite Party/s	:	Mr. Manoj Kumar
For the informant	:	Mr. Raj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-12-2020 Heard learned Counsel for the petitioner, learned Counsel for the complainant and learned Additional Public Prosecutor for the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 1206C of 2018, in which cognizance has been taken for the offences punishable under Sections 498-A/34 of the Indian Penal Code.

The allegation against the petitioner is that the marriage of the complainant was solemnized with the petitioner in the year 2002 and out of their wedlock, three children had born. It has been alleged that for the last few months, the



petitioner started demanding a sum of Rs. One lakh and one motorcycle, as dowry, and due to non-fulfillment of the said demand, the complainant has been subjected to torture, mentally as well as physically.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the petitioner has filed divorce suit, being Divorce Case No. 286 of 2018 for dissolution of their marriage.

On the other hand, learned Counsel for the complainant submits that the petitioner has filed the divorce case in order to create defence in his favour.

Learned Counsel for the petitioner, on instruction, submits that the petitioner is ready to pay a sum of Rs. 7,000/- per month in the bank account of the complainant regularly subject to the final outcome of the matrimonial case and/or maintenance case, if any, filed and decided between the parties.

The offer, so made by the petitioner, has been accepted by learned Counsel for the complainant and he submits that the details of the bank account of the complainant shall be provided to learned Counsel for the petitioner within ten days from today.

After having heard learned Counsel for the parties



concerned and taking into consideration the materials on record and the fact that the petitioner is ready to pay a sum of Rs. 7,000/- per month in the bank account of the complainant regularly subject to the final outcome of the matrimonial case and/or maintenance case, if any, filed and decided between the parties, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda, at Biharsharif, in connection with Complaint Case No. 1206C of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and that a sum of Rs. 7,000/- for the month of December, 2020, by way of bank draft drawn in favour of the complainant, shall be handed over to the complainant at the time of furnishing the bail bonds by the petitioner and the amount due from the month of January, 2021 shall be transferred in the bank account of the complainant, the details of which shall be provided to learned Counsel for the



petitioner by the complainant through her Counsel.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

It is further made clear that if the petitioner deviates from the terms and condition of his undertaking, as above, it will be open to the complainant to prefer an application for cancellation of bail bonds of the petitioner.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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