

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64513 of 2019

Arising Out of PS. Case No.-470 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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GUDDU CHOUBEY @ DAYASHANKAR CHOUBEY S/o Late Ramashray
Choubey R/o village- Bhadsara, P.O.- Badki Akhorhi, P.S.- Kargahar, District-
Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Amrita Devi W/o Guddu Choubey @ Dayashankar Choubey, W/o Prahlad
Dubey R/o village- Bhadsara, P.O.- Badki Akhorhi, P.S.- Kargahar, District-
Rohtas at present Village- Dubey Dehri, P.O.- Natwa Khurd, P.S.- Dinara,
District- Rohtas (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-01-2020 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 470 of 2018, disclosing offences

under Sections 498A of the Indian Penal Code .

Petitioner happens to be husband of the complainant
and allegation against the petitioner is of subjecting the
complainant to cruelty and torture with respect to non fulfilment
of demand of dowry of Rs. Seventy thousand and a motorcycle.

Submission of learned counsel for the petitioner is
that the complainant has physical bickering and due to that
earlier a talk was held between the parties and petitioner was
offered to marry with the sister of the complainant but that does



not happen and present case has been filed. He is ready to pay the maintenance amount to the complainant.

Heard learned A.P.P. as well as learned counsel for the complainant.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks from the date of receipt of a copy of this order and if the petitioner is ready to pay Rs. 2,500/- per month to complainant till the complainant files a case in the family court for grant of maintenance, in which final or interim order is passed, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Bikramganj, Rohtas, in connection with Complaint Case No. 470 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

In the meantime, it is expected that complainant will move the family court by filing a case for grant of maintenance from the petitioner and the petitioner on service of personal notice, has to appear and cooperate in disposal of



maintenance case.

It is made clear that if the petitioner fails to pay the aforesaid amount of Rs. 2,500/- to the complainant consecutively for three months, the complainant will be at liberty to move the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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