

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64361 of 2019

Arising Out of PS. Case No.-1651 Year-2018 Thana- COMPLAINT CASE District- Araria

KHAGESH KUMAR Son of Shiv Nandan Gupta Resident of Village- Nirpur,
P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Priyanka Kumari Wife of Khagesh Kumar, Daughter of Madan Lal Gupta Resident of Manik Chand Road, Forbesganj, Ward No. 5, P.S.- Forbesganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-03-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1651C of 2018, registered for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation in the present case is regarding the accused persons including the petitioner herein, who is the husband of the opposite party no. 2, having engaged in inflicting cruelty upon the opposite party no. 2 on account of non-fulfillment of the demand for dowry. It is alleged that the accused persons had also misbehaved with the opposite party no. 2.



The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is also submitted that though notices were issued to the opposite party no. 2, she has not appeared before this Court, hence, it appears that she has got no interest in the present matter. Nonetheless, it is submitted that in order to show his bona fides, the petitioner is ready and willing to pay a sum of Rs. 5,000/- per month as maintenance to the opposite party no. 2.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, subject to the petitioner surrendering before the learned court below within a period of four weeks from today and furnishing an undertaking to the effect that he would regularly pay a sum of Rs. 5,000/- per month as maintenance to the opposite party no. 2 till the time any order is passed by the competent court either in matrimonial proceedings or maintenance case, as also subject to production of a draft of Rs. 5,000/- and further subject to such other conditions as may be deemed fit and proper to be imposed by the learned court of Sub-Divisional Judicial Magistrate, Araria



in connection with Complaint Case No. 1651C of 2018.

With the aforesaid observations and directions, the
petition stands disposed of.

(Mohit Kumar Shah, J)

Ajay/-

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