

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65228 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

CHANDAN KUMAR @ CHANDAN MAHTO S/o Shyam Sundar Mahto
Resident of Village- Lal Tola, P.S.- Karandigni (Karandiganghi), District-
North Dinajpur (West Bengal)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pallavi Kumari W/o Chandan Kumar, D/o Gopal Prasad Singh Resident of
Village- Nayatola, P.S.- Naugachia, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv. Mr. Ashok Kumar Yadav, Adv.
For the Opposite Party/s	:	Dr. Kumar Uday Pratap, APP
For the O.P. No. 2	:	Mr. Amrendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-03-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Naugachia Mahila P.S. Case No. 01 of 2019 for the offence
punishable under Sections 498A, 323, 504/34 of the Indian
Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

The allegation is regarding the petitioner, who is
husband of the opposite party no.2, having tortured the opposite
party no.2 on account of non-fulfillment of demand for dowry,
resulting in the opposite party no.2 being forced to take shelter
in her parental home.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has not solemnized marriage with any other girl and he is having a clean antecedent. Nonetheless, it is submitted that the petitioner shall pay a sum of Rs. 5,000/- (Rs. Five thousand) per month by way of maintenance to the opposite Party No.2 for the purposes of seeking the privilege of anticipatory bail.

The learned counsel for the opposite party no. 2 submits that since there is no chance of conciliation at the moment, she would be satisfied with receipt of the maintenance money, however, reserving liberty to exercise her rights in accordance with law.

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 payment of a sum of Rs. 5000/- per month, as maintenance to the Opposite party no.2 till the time any order is passed, either in the matrimonial proceedings or in the maintenance proceedings, if any, as also subject to the petitioner filing an undertaking before the learned court of Sub-Divisional Judicial Magistrate, Naugachia, District Bhagalpur/ Successor Court in connection with Naugachia



Mahila P.S. Case No. 01 of 2019, regarding regular payment of a sum of Rs. 5,000/- per month as maintenance and submitting a demand draft of Rs. 5,000/- in favour of the opposite party no.2 as also subject to such other conditions as may be deemed fit and proper to be imposed by the learned court below.

The petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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