

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85126 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

ABHISHEK KUMAR PANDEY Son of Late Ajay Kumar Pandey Resident of Village - Sahpur, P.O.- Sahpur, P.S.- Sahpur, District- Bhojpur, Ara. Presently Residing at 403, Kapildev Enclave, Vivek Vihar Colony, Gola Road, P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ashwini Kumari D/O - Anup Kumar Srivastav Resident of Village - Purani Dharamshala, Narkatiyaganj, Ward No. -16, P.S.- Sikarpur, District- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Narendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 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. 105 of 2019, registered for the offence punishable under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation is regarding the complainant being tortured on account of non-fulfillment of the demand for dowry and it is alleged that the accused persons had conspired together whereafter, she was thrown out of the matrimonial home.

The learned counsel for the petitioner has submitted that



the petitioner has been falsely implicated in the present case and the fact is that no such incident had ever taken place whereas on the contrary, it is the complainant, who has engaged in abnormal behaviour. It is further submitted that there is no chance of reconciliation, hence, the matter be not referred to mediation, however, the petitioner is ready to give maintenance amount to the complainant i.e. the opposite party no. 2 to the tune of Rs. 7000/- per month till the finalization of the maintenance case, which is already pending adjudication in between the parties.

The learned counsel for the opposite party no. 2 has submitted that in case, the petitioner undertakes to pay the maintenance amount, it be ensured that there is no default on the part of the petitioner in paying the same.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court deems it fit and proper to direct the petitioner to pay a sum of Rs. 7000/- per month to the complainant i.e. the opposite party no. 2 by way of bank transfer and for the said purposes, the opposite party no. 2 shall furnish her bank account details to the petitioner herein before the learned court below. It is further directed that the petitioner shall furnish an undertaking before the court of learned Sub-



Divisional Judicial Magistrate, West Champaran, Bettiah in connection with Complaint Case No. 105 of 2019, regarding regular payment of a sum of Rs. 7000/- per month as maintenance till the maintenance proceedings are finalized whereupon the petitioner would be admitted to the privilege of anticipatory bail upon such conditions as may be deemed fit and proper to be imposed by the learned court below.

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

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

