

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2508 of 2020

Arising Out of PS. Case No.-2760 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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AMIT KUMAR SINHA @ AMIT SINHA S/O Yogendra Prasad Sinha @
Yogendra Prasad Singh R/O Vill Bhan Borahan, P.S.- Jandaha, Distt. Vaishali.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Sri Nili Kumari W/o Amit Kumar Sinha, D/O Ashok Kumar Srivastava At
Present R/O Mohalla Rambhadra, Post Hajipur, P.S. Hajipur Town Distt.
Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anish Kumar
For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner, learned
counsel for the O.P. no.2 and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No.C1 2760 of 2018, corresponding to
T.R. No.2693 of 2018, registered for the offence punishable
under sections 498A, 323, 406 and 34 of the Indian Penal Code
and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the Complaint, the petitioner was
married to the O.P. no.2. Initially the accused persons were not
ready for the marriage on account of non-fulfillment of the
demand of dowry of Rs. 5 lacs. Although they agreed for the



marriage and the marriage took place, however, soon thereafter the accused persons started to torture the O.P. no.2. She was abused, beaten up and food was stopped. It is further stated that on 16.06.2018, further demand of dowry was made and on refusal, all her goods were forcibly retained by the accused persons and she was sent to her parent's place with the instructions that she would not be permitted to reside in her sasural till they fulfill the demand of dowry of Rs. 5 lacs and a motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner is the husband of the Complainant. He was always ready and willing to keep the Complainant with full honour and dignity. The allegations as levelled in the Complaint are false and concocted. It was the petitioner, who filed a case under section 9 of the Hindu Marriage Act, however, the O.P. no.2 is still not ready to come and reside with the petitioner.

It is submitted by learned counsel for the O.P. no.2 that a Maintenance Case No.37 of 2019 had been filed by the O.P. no.2 in the Court of Principal Judge, Family Court, Vaishali at Hajipur, which had been finally decided by the order dated 29.11.2019 and the opposite party has been directed therein to pay a monthly sum to the O.P. no.2 calculated from the date of



institution of the case i.e. 11.03.2019. It is submitted that an approximate amount of Rs.30,000/- as arrears would be payable by the petitioner to the O.P. no.2, however in spite of the said order, not a single farthing has been paid.

In reply, it is submitted by learned counsel for the petitioner that on instruction he submits that the petitioner had no knowledge about the pendency of the said maintenance case. However, he further submits that he would pay the arrears of Rs.30,000/- within a period of six weeks to the O.P. no.2.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case No.C1 2760 of 2018, corresponding to T.R. No.2693 of 2018, he will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Vaishali at Hajipur subject to the condition as laid down under section 438(2) of the Cr.P.C.

It is further directed that as undertaken by the petitioner, the aforesaid sum of Rs.30,000/- by way of arrears of



the amount of maintenance shall be paid by the petitioner to O.P. no.2 within six weeks and receipt/information thereof shall be filed by the petitioner in the Court below. It is further directed that the petitioner shall continue to make payment of monthly maintenance as fixed by the Court below or suitably modified thereafter, on time.

(Partha Sarthy, J.)

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