

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16660 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- MAHILA P.S. District- Patna

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Avinash Anand, Male, aged about 33 years, Son of Manoj Kumar Sharma, Resident of Chatiya, P.O.- Chatiya, P.S.- Malahi, District- Motihari (East Champaran).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niharika, aged about 28 years, Wife of Avinash Anand, Daughter of Suresh Kumar Singh, Resident of Village and P.O.- Maner (Sherpur), P.S.- Maner, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 11-01-2021 Heard Mr. Bikrameo Singh, learned counsel for the petitioner, Mr. P. N. Shahi, learned senior counsel assisted by Mr. Sanjay Kumar Singh, learned counsel for the informant and learned A.P.P. for the State.

The petitioner, husband of opposite party no.2, apprehends his arrest in connection with Patna (Danapur) Mahila P.S. Case No.84 of 2019 registered for the offences punishable under Sections 498(A), 337, 504, 34, 324 of the Indian Penal Code.

The prosecution case in short is that the informant's marriage was solemnized on 18.02.2018 with Avinash Anand according to the Hindu rites and rituals. Just after marriage,



sister-in-law tortured her and instigated her husband to demand Honda City (Top Model) Car. When the informant went to Bangalore (where her husband was posted), she was beaten mercilessly by her husband and leave her alone in house even when she was ill. On 20.02.2019 at 8.00 pm when he reached near the room of her husband, she was her sister-in-law and her husband was in a compromising position and when she protested, she was beaten by them. Her sister-in-law threw boiled water on her face. Her husband came to her Maik at Sherpur, Maner, Patna and insulted her father also. When the informant tried her best to live with her husband at Bangalore and Chatiya but her father-in-law did not allow her to live there and lastly she has to return her Maik.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no any offence and has falsely been implicated in the present case.

A supplementary affidavit has been filed on behalf of the petitioner. In compliance of the order dated 13.10.2020 and in support of the conditions made in the main application, the instant supplementary affidavit is being filed enclosing the Divorce Petition bearing M.C. No.198 of 2019 filed by the petitioner on 26.04.2019 under Section 13(1)(1A) of the Hindu



Marriage Act before the learned court of Senior Civil Judge (Rural) at Bangalore on amongst various grounds set forth therein. It is stated that in the aforementioned divorce petition, the said learned court has been pleased to issue notice on 28.06.2020. From bare perusal of the order sheet, it is evidently clear date of filing of the said case is 26.04.2019 and date of issuance of notice is 28.06.2019.

The allegation is that the victim lady alleges that her husband got left her job doing in Delhi. When she reached at Bangalore to her husband, he quarreled and did maar-pit many times and went out of house for long and did not care even being on her illness and once ousted from house. Then she returned her maike. But, again her husband persuaded and got her back. The victim lady further alleged that her sister-in-law (Nanad) abated her husband daily for Honda City (Top Model) Car. Once, all of them came to Bangalore for her marriage ceremony and tortured her and on 20.02.2019 at about 8.00 p.m. while she went in her husband's room, she saw that her sister-in-law (Nanad) was in objectionable position with him and to hide the same her husband started beating her and her sister-in-law (Nanad) brought boiled water to damage her eyes. However, she could save her eyes but her face burnt and upon seeing doctor



advised her for plastic surgery. Leaving her on such condition, all returned. Even her husband went out of house due to work and came after a month. Suddenly, thereafter, he (her husband) went to her maike i.e. Sherpur and misbehaved with her father. She further alleged that her husband went to hospital with her for treatment.

It is relevant to state that the opposite party no.2 met with accident due to burst of pressure cooker on the date of occurrence. It is further stated that her photographs does not reveal accident due to boiled water.

From bare perusal of the first information report, it is apparent that there is general and omnibus allegation against all the accused persons. Petitioner is the husband of opposite party no.2.

Learned counsel for the opposite party no.2 submits that husband of the informant namely, Avinash Anand appears to be responsible for harassing, torturing and ousting the informant from his home.

Learned counsel for the petitioner submits that at this juncture, the petitioner is ready to give maintenance amount of Rs.15,000/- (fifteen thousand) per month, starting from this month, to complainant/opposite party no.2, which has been



agreed by the counsel for opposite party no.2.

Learned A.P.P. for the State has opposed the prayer for bail.

In view of undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs.15,000/- (fifteen thousand) per month, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Patna (Danapur) Mahila P.S. Case No.84 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as on the following conditions :

(1) Opposite party no.2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(2) Petitioner would deposit the aforesaid maintenance amount per month in the saving bank account of the opposite party no.2.

(3) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court



below would be at liberty to cancel the bail-bond.

(4) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Anjani Kumar Sharan, J)

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