

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15049 of 2020

Arising Out of PS. Case No.-1205 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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RAM BABU SAHANI @ RAMBABU SH S/o Kishori Sahani R/o
Barkagaon, P.S.- Karza, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/o Rambabu Sahani @ Rambabu Sh Barkagaon, P.S.-
Karza, Distt- Muzaffarpur Presently Residing at
D/o Arvind Sahani, R/o Village- Maanpura, P.O.- Anirudh Belsar, P.S.-
Belsar, O.P., Distt- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh
For the Opposite Party/s : Ms.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-03-2021 Heard learned counsel for the parties.

The petitioner, husband of Opposite Party No. 2 apprehends his arrest in Vaishali Complaint Case No. 1205 of 2019 registered for the offence punishable under Sections 323, 341, 498(A) and 379 of the Indian Penal Code and section 3/4 of the Prevention of Dowry Act.

As per the complaint there is specific allegation of physical assault and snatching of *Streedhan* against this petitioner and later on, this petitioner ousted the complainant from her matrimonial house.

It is submitted on behalf of petitioner that no such



incident has ever taken place. In paragraph 8 of the petition, it is stated that petitioner is ready to keep his wife (complainant) with full honour and dignity. However, counsel for OP. No. 2 is reluctant in view of the past conduct of the petitioner.

On the alternative, petitioner is ready to give maintenance amount of Rs. 2,000/- (two thousand) per month, starting from this month to Opposite Party No. 2 which is also agreed upon by the counsel for O.P. No. 2.

In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 2,000/- (two thousand) per month, in the event of arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali in connection with Vaishali Complaint P.S. Case No. 1205 of 2019, 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.) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(5.) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(6.) 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.

(Prabhat Kumar Singh, J)

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