

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33049 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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SUNNY KUMAR @ SUNNY SAH, Male, aged about 35 years, Son of
Binod Sah, Resident of Village- Paschim Kargahiya, P.S.- Kalibag O.P.,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi, Female, aged about 30 years, Wife of Sunny Kumar @ Sunny
Sah, Resident of Village- Paschim Kargahiya, P.S.- Kalibag O.P., District-
West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sanjana, Advocate
For the Opposite Party/s :	Mr. Kanhaiya Kishore (App100)
	Mr. Anant Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-10-2021 Heard.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 498A, 341, 323, 504,
506 and 34 of the Indian Penal Code.

Informant who is wife of the petitioner has alleged in
her written complaint that she was married to petitioner 10 years
before and from said wedlock, two children were also born.
Petitioner is continuously torturing her since the date of
marriage and she had also instituted a case in which on
24.02.2020. Husband (petitioner) appeared and admitted before
the court that he will take informant to his matrimonial house

and will treat her in a dignified manner. However, on 15.05.2020, again petitioner and her in-laws started abusing and assaulting her and forced her to go to her parental home. It is further alleged that she was also pregnant and was forcibly aborted and thereafter her mother and brother admitted her to Bettiah hospital.

It is submitted that petitioner is innocent and has committed no offence and since marriage was solemnized 10 years before, as such, allegation of demand of dowry is not believable. Petitioner has also filed an application under Hindu Marriage Act for grant of divorce being Divorce Case No.349/13. It is further submitted that opposite party no.2 (wife/informant) has filed a case for grant of maintenance under Section 125 of Cr.P.C. which is also pending before the family court. It is submitted that informant is residing in her parental home along with two minor children.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his/her arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court

below where the case is pending in connection with Bettiah Town (Kalibag O.P.) P.S. Case No.301 of 2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following condition:

The petitioner is directed to pay maintenance of Rs. 5,000/- per month to the informant every month commencing from November, 2021 and, if the petitioner fails to pay maintenance of Rs. 5,000/- per month for two consecutive months the bail bond of petitioner shall be cancelled by court below. The above arrangement will remain effective till any order for maintenance is passed by Family Court/competent court.

(S. Kumar, J)

Sanjay/-

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