

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28894 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

CHHOTU KUMAR S/o Late Buddhu Mahto Resident of Village-Sambho
Tilathi, P.S.-Sambho Sarlahi, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari D/o Ramautar Mandal Resident of Village-Ratanupur, Badhai
Tola, P.S.-Suryagarha, District-Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Singh, Advocate
For the informant/O.P.No.2:		Mr. Rabi Bhushan, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-03-2021 Heard Mr. Suresh Prasad Singh, learned counsel for the petitioner, Mr. Rabi Bhushan, learned counsel for the informant/Opposite Party No. 2 and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with Lakhisarai Mahila P.S. Case No. 18 of 2019, registered for the offences punishable under Sections 498(A), 506, 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1860.

The allegation as per the First Information Report is that the marriage of the opposite party-informant was solemnized with the petitioner in the year 2015 and after



sometime of the marriage, the petitioner along with other co-accused persons started demanding a Motorcycle and Rs.1,00,000/- as dowry and due to non-fulfillment of the said demand, the petitioner and other co-accused persons assaulted and tortured the opposite party-informant physically as well as mentally and ousted from her matrimonial home on 10.07.2018.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that the petitioner is ready and willing to keep his wife with all care, honour and dignity. However, learned counsel for the petitioner submits that without prejudice to the right and contention of the petitioner, the petitioner is ready and willing to pay a sum of Rs.2,000/- per month as living cost to the Opposite Party No. 2 subject to the final outcome of this case and/or Matrimonial/Maintenance cases, if any, decided between the parties.

On the other hand, learned counsel for the opposite party No. 2-informant accepts the offer made by the petitioner and submits that petitioner may be directed to deposit the aforesaid sum of Rs.2,000/- each and every month directly in the bank account of the opposite party No. 2-informant, the



account number of which, shall be provided by the learned counsel for the Opposite Party No. 2 to the learned counsel for the petitioner within a period of 10 days.

Having regard to the submission made by the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel appearing for the opposite party No.2-informant, I am inclined to grant anticipatory bail to the petitioner subject to the condition that starting from April, 2021, the petitioner shall deposit a sum of Rs.2,000/- each and every month in the bank account of opposite party No.2-informant without fail.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Lakhisarai, in connection with Lakhisarai Mahila P.S. Case No. 18 of 2019, subject to the aforesaid condition and further the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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