

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29536 of 2020

Arising Out of PS. Case No.-1992 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

SAMEER KUMAR SRIVASTAVA @ SAMEER SRIVASTAVA Son of Sri
Lalji Srivastava Resident of Mohalla - Block Road, Raxaul, P.S. - Raxaul,
District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shilpi Srivastava Wife of Sri Sameer Srivastava @ Sameer Kumar
Srivastava Daughter of Sri Subhash Chandra Srivastava, Resident of
Mohalla - Block Road, Raxaul, P.S. - Raxaul, District - East Champaran. At
present, resident of Mohalla - Christian Quarter, Kayastha Patti, near
Rajguru Chowk, P.S. - Bettiah Town, District - West Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Complainant	:	Mr. Sanjay Kumar Ghosarvey, Advocate
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 12-03-2021 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner, Mr. Sanjay Kumar Ghosarvey, learned counsel for the

complainant/Opposite Party No. 2 and Mr. Nawal Kishore

Prasad, learned Additional Public Prosecutor appearing for the

State.

Petitioner apprehends arrest in connection with
Complaint Case No. 1992-C of 2018 (S.C. No. 1401 of 2019)
registered for the offence punishable under Section 498-A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation as per the First Information Report is



that the marriage of the complainant-Opposite Party No. 2 was solemnized with the petitioner on 20.01.2012 and after marriage, the petitioner and other family members started demanding dowry by way of Alto Car and Rs. 50,000/- and due to non-fulfillment of the said demand, the petitioner and other co-accused persons started torturing mentally as well as physically to the complainant-Opposite Party No. 2.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as the complaint case has been filed by the complainant-Opposite Party No. 2 after seven years of the marriage making the entire family members as accused, on false, fabricated, concocted and general allegation. Learned counsel further submits that the petitioner has filed Matrimonial Case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights bearing Matrimonial Case No. 884 of 2019 before the Family Court, Chitaurgarh, Rajasthan. Learned counsel also submits that the petitioner is ready to keep his wife complainant-Opposite Party No. 2 with all care, honour and dignity, but the wife (complainant-Opposite party No. 2) is not ready to live with the petitioner and without prejudice to the right and contention, the petitioner is ready for one time



settlement and willing to pay a sum of Rs.10,00,000/- as permanent settlement amount or a sum of Rs.6,000/- per month as living cost subject to the final outcome of this case and/or maintenance or any other matrimonial case filed by the parties.

Learned counsel for the complainant-Opposite Party No. 2 submits that without prejudice to the right and contention of complainant-Opposite Party No. 2, the Opposite Party No. 2 accepts the offer of Rs.6,000/- per month to be paid by the petitioner as living cost subject to final outcome of the maintenance case and/or other cases filed by the parties. The petitioner may be directed to deposit a sum of Rs.6,000/- per month regularly in the bank account of complainant-Opposite Party No. 2, 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 ten days.

Having regard to the submission made by the parties and taking into consideration the materials on record and the fact that offer made by learned counsel for the petitioner has been accepted by learned counsel for the complainant-Opposite Party No.2, I am inclined to grant anticipatory bail to the petitioner subject to the condition that a sum of Rs.6,000/- shall be deposited in the bank account of complainant-Opposite Party



No. 2 by the petitioner every month regularly, starting from 1st, 2021.

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, Bettiah, West Champaran, in connection with Complaint Case No. 1992-C of 2018 (S.C. No. 1401 of 2019), subject to the aforesaid condition and further condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

