

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60807 of 2019

Arising Out of PS. Case No.-677 Year-2018 Thana- COMPLAINT CASE District- Araria

AMIT KUMAR BHAGAT Son of Binod Kumar Bhagat Resident of Village -
Mirchaibari, Ward No. 5, P.S.- and District- Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shweta Kumari Wife of Amit Kumar Bhagat, D/O - Baijnath Bhagat
Resident of Village - Forbesganj Ward No. 10, P.S.- Forbesganj, District-
Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Pankaj Kumar Jha, Advocate
For the S t a t e	:	Ms Rina Sinha, APP
For the Complainant	:	Mr Abhijeet Gautam, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

13 25-01-2021 Heard learned counsel for the petitioner, complainant
and the learned APP for the State.

Petitioner apprehends arrest in connection with
Complaint Case No 677C of 2018 instituted for the offence
punishable under Section 498A of Indian Penal Code and
Section 4 of Dowry Prohibition Act.

It is submitted by the petitioner's counsel that the
petitioner and the complainant, who has already appeared, are
contesting the divorce petition and, in the meantime, the
complainant is receiving the amount of interim maintenance as
per the current orders in the divorce case.



Learned counsel for the complainant submits that there is a bona fide civil dispute between the husband and wife and the resort to criminal proceeding is unwarranted.

In view of the fact that the matter is pending consideration before the Civil Court, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Araria in Complaint Case No 677C of 2018 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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