

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68264 of 2019**

Arising Out of PS. Case No.-2815 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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RAM VIKASH DUBEY @ RAM BIKASH DUBEY S/o- Ramadhin Dubey
Resident of Village- Dubey Jigina, P.S.- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sujata Dubey @ Sujita Dubey W/o Ram Vikash Dubey and D/o- Rabindra Pandey @ Rabindra Nath Pandey Resident of Village- Padauli, P.S.- Bhore, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar
For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 25-10-2021 Heard learned counsel for the petitioner and learned counsel for the opposite party No. 2. Learned Additional Public Prosecutor for the State is also present.

The petitioner apprehends his arrest in connection with Complaint Case No. 2815/2018 registered for the offense punishable under Sections 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner has filed a divorce case before the present complaint case was filed and he submits that the complainant is a



quarrelsome lady and she has left the matrimonial home out of her own will and all the allegations levelled by her in the complaint petition are false.

Learned counsel appearing on behalf of the opposite party No. 2 submits that the statement made by the complainant in the complaint petition has been supported by her and the witnesses of the case as well as deposition during the course of inquiry.

It is an admitted fact that the petitioner was married with the complainant on 12.02.2015 and he has a daughter out of the wedlock. Since 2016 till date, the opposite party No. 2 is not being maintained by the petitioner. Mere filing of the divorce case is no ground to support the submissions of the petitioner.

In the facts and circumstances of the case, learned counsel for the petitioner to show his *bonafide* has himself offered to pay an interim maintenance of Rs. 7,500/- (rupees seven thousand five hundred only) to the complainant/opposite party No. 2, subject to decision of any competent court on the maintenance issue.

Considering the aforesaid facts and circumstances, the present application for grant of anticipatory bail, is allowed, let



the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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, Gopalganj, in connection with Complaint Case No. 2815/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C, subject to the following conditions:-

1. The petitioner will pay the maintenance amount for October, 2021, which will be deposited in the Court below by the 7th of November, 2021 and, thereafter, by the 7th day of every month.

2. The maintenance amount will be paid directly to the opposite party No. 2 in her bank account. The details of the bank account of the opposite party No. 2 will be given to the petitioner by her lawyer to the lawyer of the petitioner.

3. In case, the opposite party No. 2 fails to provide her bank account details, the petitioner will pay the aforesaid maintenance amount through money order and file receipts of the same before the Court below.

4. If the petitioner fails to obey the abovementioned conditions, without any genuine ground, his bail bonds are



liable to be cancelled by the Court below.

(Sandeep Kumar, J)

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