

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18029 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA P.S. District- Bhagalpur

VISHWAJIT KUMAR DHAVAK SON OF LATE GANESH PRASAD
PANDEY RESIDENT OF LALUCHAK ANGARI, POLICE STATION-
LODIPUR, DISTRICT-BHAGALPUR

... .. Petitioner

Versus

1. The State of Bihar
2. ANUPAM DHAVAK WIFE OF VISHWAJIT KUMAR DHAVAK,
DAUGHTER OF DIGAMBER PANDEY AT PRESENT RESIDING AT
MOHALLA- CHATRAPATI TALAB, KALABGANJ, POLICE STATION-
MOJAHIDPUR, DISTRICT- BHAGALPUR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Opposite Party/s : Mr. Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 04-07-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehends his arrest in connection
with Bhagalpur Mahila P.S. Case No. 21 of 2020, registered for
the offences punishable under Sections 323, 341, 498 A, 504,
506/34 of the Indian Penal Code.

As per First Information Report, the marriage of the



informant was solemnized with the petitioner in the year 2011. The informant passed some peaceful days in her matrimonial house, thereafter, the petitioner started inflicting cruelty for non-fulfillment of demand of dowry. The couple were blessed with two male children, even thereafter the cruelty continued. The petitioner used to come to the house at late night in drunken condition and assault the informant.

Learned counsel for the petitioner has submitted that petitioner was serving in the Indian Army but due to brain hemorrhage he had to take voluntarily retirement. The petitioner has also filed a case for custody of the children which is pending. Petitioner is ready to keep the informant with full dignity and honour but she is not ready to reside with him.

Learned counsel for the informant has submitted that the reason for not residing in matrimonial house of the informant is that she feels insecurity about future of their children and she requested the petitioner to deposit some money in the name of their children but he did not do so.

The matter was referred to District Mediation Centre, Bhagalpur. The report dated 01.06.2022 received from District Mediation Centre, Bhagalpur is annexed with the record which shows that the parties failed to settle their dispute amicably. The



petitioner is providing maintenance to the informant as per direction of the court but she is persistently demanding rupees 20 lacs and she is also insisting to purchase a piece of land in urban area. Before the learned Mediator, the petitioner was ready to fulfill all the needs of his wife and children if they reside with him.

The report of Mediator shows that the petitioner is providing maintenance to his wife. As submitted, she has already filed a case for maintenance against the petitioner. The petitioner is suffering from brain hemorrhage and has taken voluntarily retirement.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd Bhagalpur in connection with Mahila P.S. Case No. 21 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner is directed to appear in the maintenance case filed by the informant and the petitioner shall continue



providing maintenance as per direction of this Court. The order of maintenance shall be subject to any order passed in the maintenance case.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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