

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15674 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MAHILA PS District- Katihar

Roushan Kumar Son of Anant Prasad Resident of - Uttar Mohalla, Ward No.- 17, In front of Kirasan Depo., P.S.- Bhabua, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Rani Wife of Roushan Kumar D/o Late Ram Prakash Sharma, At Present R/o - Katihar Mohalla Hridyaganj, Ward No.- 01, P.S. - Katihar, District - Katihar, (Bihar), Pin - 854105.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Kumar Sunil, Advocate
For the Opposite Party	:	Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Katihar Mahila P.S. Case No.37 of 2021 registered for offences under Sections 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner, who is the husband of the opposite party no.2, has submitted that the informant/opposite party no.2 is suffering from some mental disorder and in support of that, he has produced some medical documents annexed with the records of this case. He submits that there is no allegation of demand of dowry and torture and only after filing of the divorce



case by the petitioner, the present FIR has been registered.

Learned counsel for the informant/opposite party no.2 submits that the informant is a hale and hearty lady and she is the mother of a child and she is ready to stay with the petitioner.

Considered the submissions of the parties.

There are allegations and counter allegations by both the parties which cannot be decided by this Court in the anticipatory bail proceeding.

In view of the law laid down by the Apex Court in the case of *Arnesh Kumar V State Of Bihar* reported in (2014) 8 SCC 273, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with Katihar Mahila P.S. Case No.37 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The anticipatory bail granted to the practitioner is subject to the condition that the petitioner shall pay a sum of Rs.7000/- (Rupees seven thousand) per month from the month



of April, 2022 and onward to the opposite party no.2 for maintenance of his wife and child. Any default in payment of maintenance amount by the petitioner shall result in cancellation of the bail bond of the petitioner.

The maintenance amount of Rs.7000/- shall be transferred in the bank account of opposite party no.2 by the petitioner, details of which shall be furnished by the opposite party no.2 to the petitioner.

It is directed that the maintenance amount shall be subject to any order passed by the Principal Judge, Family Court, Kaimur (Bhabua) in Matrimonial (Divorce) Case No.182 of 2021. Petitioner shall also pay a lump-sum of Rs.10,000/- to the informant/opposite party no.2 as litigation expenses.

The Principal Judge, Family Court, Kaimur (Bhabua) is directed to dispose of Matrimonial (Divorce) Case No.182 of 2021 expeditiously and preferably within a period of two months from the date of receipt/production of a copy of this order.

Opposite party no.2 will appear in Matrimonial (Divorce) Case No.182 of 2021 on 25th of April, 2022 and thereafter the case will proceed regularly and shall be concluded, as directed above.



With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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