

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27126 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- MAHILA P.S. District- Banka

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NILESH KUMAR Son of Wakil Mandal Resident of Village - Nagri, P.S.-
Shambhuganj, Distt.- Banka. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SWEETY KUMARI W/o Nilesh Kumar , D/o Amin Singh Resident of
Village - Poukari, P.S.- Shambhuganj, Distt.- Banka.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. APP
For the Informant Mr. Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-05-2022 Heard learned counsel for the petitioner and learned

APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Banka Mahila P.S. Case No. 30 of 2020 instituted for the
offence under Sections 498A/34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

As per allegation in the FIR, due to non-fulfillment of
dowry demand of Rs. Two lakh, petitioner along with other
family members started to abuse and torture the informant
mentally and physically and ultimately they ousted her from her
matrimonial house.

It is submitted by learned counsel for the petitioner
that petitioner is husband of the informant and he has been



falsely implicated in this case. He has never demanded any thing from the informant. It is further submitted by learned counsel for the petitioner that petitioner is ready to keep the informant as wife with full dignity and honour, which is mentioned in para 10 of the petition.

The aforesaid offer of the petitioner has not been accepted by the informant who denies to go to her matrimonial house and live with her husband. However, she prays for some maintenance for her survival as she is a housewife and she is not able to maintain herself .

In the alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give Rupee four thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner within a period of one week from today. On receipt of the bank account number of the informant, the petitioner shall deposit Rs. 4,000/- (Four Thousand) in first week of every month commencing from the current month May as maintenance in the account furnished by the informant.



Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner, this Court is inclined to enlarge him on bail. The petitioner, above named, in the event of his arrest or surrender before learned Court below within a period of four weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned SDJM, Banka in connection with Banka Mahila P.S. Case No. 30 of 2020, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

If the complainant wishes to live with the petitioner, she will file a petition before learned Court below. On receiving such a petition, the Court below shall issue notice to the petitioner, when it is expected from the petitioner to comply the undertaking given before this Court to keep the complainant as wife with full dignity and honour.

(Sunil Kumar Panwar, J)

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