

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28264 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- BENIPATTI District- Madhubani

Kamod Sah @ Kamod Kumar Sah, son of Shivchandra Sah Resident of Village- Barha, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, daughter of Shivji Sah Resident of Village- Benipatti, P.S.- Benipatti, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-04-2022 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demand and ousting the informant from her matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner tried his best to resume the



conjugal life with the informant and a *panchayati* to that effect has been held and both the petitioner and the informant were directed to live together as husband and wife but the informant never changed her quarrelsome attitude and ultimately left the matrimonial house. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the supplementary affidavit.

Learned counsel appearing on behalf of the informant has submitted that informant is not ready to live with the petitioner since petitioner is in habit of making assault to the informant.

In the alternative, the petitioner is ready to make payment of Rs. 4000/- per month to the informant by depositing the same in her bank account by 1st week of every month from May, 2022.

The petitioner also undertakes that he shall pay Rs. 4000/- as interim maintenance to the informant before filing of the bail bonds.



The learned counsel appearing on behalf of the informant has accepted the offer of the petitioner and undertakes to provide bank account details of the informant to the petitioner as early as possible.

Considering the aforestated facts, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 1st, Madhubani in connection with Benipatti P.S. Case No. 194 of 2020, G.R. No. 707 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 4000/- by the petitioner in the account of the informant.



The aforesaid payments will be subject to any order passed in matrimonial or maintenance proceedings.

(Sunil Kumar Panwar, J)

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