

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28747 of 2021

Arising Out of PS. Case No.-422 Year-2019 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Dr. Shailesh Kumar S/O Late Ram Ekbal Prasad Singh R/O Village Dhekaha
Karan Kueia, P.S-Motihari Muffasil, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Md. Mustaque Alam, APP
For the O.P. No.2	:	Mr. Brij Kishore Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the complainant is not ready to live with the petitioner and she wanted to live in her Maike while the petitioner always ready to keep the complainant with him with full respect and dignity as a wife. He further submits that the petitioner had already filed as Matrimonial Case before the learned Principal



Judge, Family Court, Motihari under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal Right vide Matrimonial case No.137 of 2017 and all processes have been served against the complainant for her appearance but she did not appear before the Family Court, East Champaran and the complainant lastly refused on 16.04.2017 to live with the petitioner. A statement to that effect has been made in paras 10 and 11 of the petition.

In the alternative, the petitioner is ready to pay Rs. 50,000/- to the complainant as interim maintenance. The petitioner is also ready to make payment of Rs. 25,000/- by 1st week of March, 2022 and second instalment of Rs.25,000/- by 1st week of April, 2022.

The learned counsel appearing on behalf of the Opposite Party No.2 has accepted the offer of the petitioner and undertakes to provide bank account details of the complainant 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 Sub Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 422C of 2019, 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. 50,000/- by the petitioner in the account of the complainant.

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

(Sunil Kumar Panwar, J)

brajesh kumar/-

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