

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25259 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- DANAPUR District- Patna

=====

Sushil Kumar S/O Late Keshaw Prasad Resident Of Adarsh Colony, Saguna
More, P.O. And P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ragini Kumari W/o Sushil Kumar Resident of Adarsh Colony, Saguna
More, P.O. and P.S. - Danapur, District - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-11-2022 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 323, 337, 341, 498(A), 506/34 of the Indian

Penal Code and Section 3/ 4 of the Dowry Prohibition

Act.

The accusations are of torture and making

assault for non-fulfillment of dowry demand.

It is submitted by learned counsel for the

petitioner that petitioner is husband of the informant and



a government teacher and he has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner always behaved good with the informant but it is the informant who is a quarrelsome lady and does not want to live with her in-laws family. The marriage of the petitioner and the informant was performed ten years prior to the date of filing of the present F.I.R, hence, the provisions under Section 498(A) of the I.P.C would not be attracted in the case of the petitioner. The informant is still residing in her matrimonial house and the petitioner and his other family members residing in said house are living in a very stressful condition due to the torturous attitude of the informant.

Learned counsel appearing on behalf of the informant has contradicted the version of the counsel for the petitioner and submitted that the informant and her two children are residing in the parental house of the informant and they are at the verge of starvation since



the petitioner is not maintaining them.

In the alternative, the petitioner is ready to make payment of Rs. 20,000/- as interim maintenance to the informant before filing of the bail bonds.

The petitioner also undertakes to make payment of Rs. 20,000/- per month to the informant by depositing the same in her bank account commencing from the month of December, 2022.

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 Chief Judicial Magistrate, 1st,



Danapur, Patna in connection with Danapur P.S. Case No. 309 of 2021, 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. 20,000/- 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)

Shageer/-

U		T	
---	--	---	--

