

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34324 of 2022

Arising Out of PS. Case No.-1745 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Shrawan Kumar S/o Late Shambhunath Ram R/o village- Mathiya Jirat
Ambedkar Naga, Ward No. 15, P.S.- Chhautauni, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinky Devi W/o Sharwan Kumar, D/o Mantu Ram R/o village- Chakiya,
P.O.- Bara Chakiya, P.S.- Chakiya, District- East Champaran, Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Trial No. 2478 of 2022 arising out of Complaint case No.
1745C of 2021 instituted for the offence under Sections 498A
and 323 of the Indian Penal Code.

The allegation against the petitioner is that due to
non-fulfillment of dowry demand, petitioner started to assault
and torture the complainant mentally and physically. It is further
alleged that petitioner took the signature of complainant and
filed divorce before the Court of Principal Judge, Motihari.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that the complainant left her matrimonial house with her own will. From perusal of Annexure 2 of this application, it appears that Petitioner and complainant had prepared the *panchnama* before the local panchayat in which complainant and her parents accepted that complainant will not live with the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counsel for the complainant prayed for some maintenance for survival of the complainant as she is a housewife and she is not able to maintain herself.

In alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give rupees 3,000/- (Rs. Three Thousands) per month from the month of November, subject to furnishing bank account number by the informant to the petitioner.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Trial No. 2478 of 2022 arising out of the Complaint Case No. 1745 of 2021 he will be enlarged 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 Court of C.J.M., Motihari, East Champaran 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. 3,000/- (for the month of November) by the petitioner in the account of the informant.

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

(Sunil Kumar Panwar, J)

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