

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45474 of 2021

Arising Out of PS. Case No.-481 Year-2020 Thana- SHASTRINAGAR District- Patna

JITENDRA RAY Son of Birendra Ray Resident of Mohalla- Punaichak, Post
office Road, P.S.- Shastri Nagar, Distt- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. SIMA KUMARI LATE SURENDRA PRASAD SINGH VILL
MATHIYAPUR PS SHAHPUR DIST PATNA

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Jyoti Ranjan Jha, Adv. Ms. Deepika Sharma, Adv. Mr. Rajat Kumar Tiwary, Adv.
For the Opposite Party/s :		Mr J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 05-09-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner as well as the
learned counsel for the informant.

The petitioner apprehends his arrest in connection with
Shastri Nagar P.S. Case No. 481 of 2020, registered for the offences
punishable under Sections 498 (A)/34 of the Indian Penal Code.

Informant Seema Kumari is wife of the petitioner. As per
allegation, the marriage was solemnized in the year 2018, thereafter,
the accused person demanded rupees ten lacs cash but it was not
within the affording capacity of her brother. The parents of the
informant had already died. The accused persons ousted her from her



matrimonial house.

Learned counsel for the petitioner has submitted that the petitioner has filed a divorce case against the informant and after one month of filing of the divorce case the informant has filed the present case. He has also submitted that the petitioner is a kidney patient and his treatment is going on in Vellore. The brother of the informant prior to the present case has lodged a case against the petitioner and in that case he did not whisper about the demand of dowry and torture. It has also been submitted that a case under the provisions of Domestic Violence Act has also been lodged on behalf of the petitioner.

On the other hand, the learned counsel for the informant has submitted that a number of cases are pending between the parties. The parents of the informant had died and she is residing with her brother having no means for her maintenance. She has submitted further that a proceeding under Section 107 Cr.P.C. has already initiated against the petitioner in which he did not appear.

The matter was referred to Meditation Centre for exploring the possibility of amicable solution of the dispute but the process of mediation has failed. As such, it appears that the restoration of conjugal life has become irretrievable.

The petitioner is ready to pay monthly maintenance of Rs. 3000/- to the informant to which learned counsel for the informant has submitted that Rs. 3,000/- is a meagre amount.



Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Patna in connection with Shastri Nagar P.S. Case No. 481 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner is directed to pay Rs. 4,000/- per month in the bank account of the informant. If the petitioner fails to adhere to his words, the learned court below shall be at liberty to cancel the bail bond.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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