

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40001 of 2022**

Arising Out of PS. Case No.-1311 Year-2019 Thana- PATNA COMPLAINT CASE District-  
Patna

=====

ASHOK KUMAR S/o Sri Ram Nath Mistri R/o village- Old Arwal, Bans Tal,  
P.S.- Arwal, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Gyatri W/o Sri Ashok Kumar, D/o Sri Rajeshwar Mistri R/o  
Mohalla- Mahavir Colony, Sai Chak, Road No. 06, Beur, P.S.- Beur,  
District- Patna

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Vinay Mistry, Advocate |
| For the Opposite Party/s | : | Mr. Meena Singh, APP       |
| For the Complainant      | : | Mr. Mukul Prasad, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      06-12-2022                      Heard learned counsel for the petitioner, complainant  
and learned APP for the State.

The petitioner is apprehending his arrest in a case  
registered for the offences punishable under Sections 498(A)  
and 323 of the Indian Penal Code.

The accusation is of making assault for non-  
fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner  
that the petitioner tried his best to resume the conjugal life with  
the complaint but the complainant herself does not want to live  
with the petitioner. The petitioner is still ready to keep the



complainant as wife with full dignity and honour. A statement to that effect has been made in para 07 of the petition.

Learned counsel appearing on behalf of the complainant has submitted that petitioner is in habit of making assault with the complainant. Hence, out of fear of life, she does not want to live with the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 4,000/- per month to the complainant by depositing the same in her bank account by 1st week of every month.

The petitioner undertakes that he shall pay the monthly payment of Rs. 4,000/- of this month i.e. December, 2022 to the complainant before filing of the bail bonds and from January, 2023, he shall continue making payment of Rs. 4,000/- per month by 1st week of every month in the bank account of the complainant.

The learned counsel appearing on behalf of the complainant 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 aforesaid 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 Ms. Akanksha, Judicial Magistrate, Ist Class, Patna/concerned Court in connection with Complaint Case No. 1311 (C) 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. 4,000/- 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/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

