

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41912 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Rohtas

NITESH KUMAR CHOUBEY Son of Chandra Bhushan Choubey Resident of Mohalla - Baldeo Nagar, G.T. Road, Sasaram, P.S.- Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Choubey Wife of Nitesh Kumar Choubey Daughter of Prem Prakash Pandey, Resident of Mohalla - Baldeo Nagar, G.T. Road, Sasaram, P.S.- Sasaram, District - Rohtas. At present Village - Rampur Teladi, P.O.- Kirhindi, P.S.- Shivsagar, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Rohtas Mahila P.S. Case No. 16 of 2022 instituted for the offence under Sections 341, 323, 498(A), 504, 506, 34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

The allegation against the petitioner is that due to non-fulfillment of dowry demand of Rs. Five lakh and a scorio vehicle, petitioner started to assault and torture the complainant mentally and physically.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. It is further submitted that the petitioner is husband of the informant and has falsely been implicated in this case.

Learned Counsel for the informant prayed for some maintenance for survival of the informant 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 rupee Five thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner within a period of one week from today. On receipt of the bank account number of the informant, the petitioner shall deposit Rs. 5,000/ (Five Thousand) in every month commencing from December as maintenance in the account furnished by the informant.

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 Rohtas Mahila P.S. Case No. 16 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 Sub-Judge-VII cum Additional Chief Judicial Magistrate, Rohtas at Sasaram 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. 5,000/- (for the month of December) 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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