

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45075 of 2019**

Arising Out of PS. Case No.-535 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Santosh Singh @ Santosh Kr. Singh, S/o Rampravesh Singh, Resident of
Village/Mohalla Suryapura, P.S. Bodhgaya, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Kumari, Wife of Santosh Singh, Daughter of Pradeep Singh, Resident
of Village Suryapura, Police Station Bodh Gaya, District Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Satish Kumar Sinha, APP
For O.P. No.2	:	Ms. Renu Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 18-01-2022 Heard learned counsel for the petitioner, learned APP

for the State as well as learned counsel appearing on behalf of

opposite party no.2 through virtual court proceedings.

The petitioner apprehends his arrest in Sherghati
Complaint Case No.535 of 2018, registered for the offence
punishable under Section 498A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

The petitioner is said to have tortured the complainant
physically and mentally for non-fulfillment of demand of
additional dowry.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. There is general and omnibus allegation against the petitioner. It is submitted that the petitioner had filed a case for restitution of conjugal rights being MTS Case No.270 of 2018. It is further submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail application. The petitioner has relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. vs. The State of Bihar, reported in 2006 (3) PLJR 182***. It is submitted that the petitioner is ready and willing to keep his wife with full honour and dignity.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is the husband of opposite party no.2 and the allegation against him is that he has tortured opposite party no.2 for non-fulfillment of demand of additional dowry.

Having considered the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned court below, where the case is pending/successor court, in connection with Sherghati



Complaint Case No.535 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the learned court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Further, petitioner is ready to pay Rs.2000/- (rupees two thousand) per month to the opposite party no.2 for a period of one year, within which period, it is expected that opposite party no.2 shall file a maintenance case before the learned Family Court for grant of maintenance and petitioner shall also abide that order, either ad interim or final, passed by learned Family Court.

It is also made clear that in case of failure to pay Rs.2000/- continuously for three months, the opposite party no.2 would be at liberty to move for cancellation of bail bond of the petitioner before the learned court below itself.

(Anjani Kumar Sharan, J.)

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