

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56461 of 2021

Arising Out of PS. Case No.-2520 Year-2016 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. PAPPU KUMAR KUSHWAHA @ PAPPU KUSHWAHA Son of Laxmi Narayan Kushwaha Resident of Village - Kamarthu, Ward No.- 2, P.S.- Gaighat, District - Muzaffarpur.
 2. Laxmi Narayan Kushwaha Son of Bhaglu Kushwaha Resident of Village - Kamarthu, Ward No.- 2, P.S.- Gaighat, District - Muzaffarpur.
 3. Smt. Radha Devi Wife of Laxmi Narayan Kushwaha Resident of Village - Kamarthu, Ward No.- 2, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jailalita Kumari Wife of Pappu Kumar Kushwaha @ Pappu Kushwaha Resident of Village - Kamarthu, Ward No.- 2, P.S.- Gaighat, District - Muzaffarpur (At present residing at Village - Panapur, P.S.- Minapur, District - Muzaffarpur).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2022 Heard learned counsel for the petitioners, complainant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioners



that the petitioners tried their best to resume the conjugal life with the complainant but the complainant herself does not want to live with the petitioner no.1. However, petitioner no.1 is still ready to keep the complainant as wife with full dignity and honour. He further submits that petitioner no.1 is the husband of the complainant and petitioner nos.2 and 3 are father-in-law and mother-in-law of the complainant.

Learned counsel appearing on behalf of the complainant has submitted that petitioner no.1 is in habit of making assault on her, as such, because of fear she does want to live with him.

In the alternative, the petitioner no.1 is ready to make payment of interim maintenance of Rs. 10,000/- per month to the complainant by depositing the same in her bank account by 1st week of every month.

The petitioner no.1 undertakes that he shall pay the monthly payment of Rs. 10,000/- of this month i.e. April, 2022 to the complainant before filing of the bail bonds and from May, 2022, he shall continue making payment of Rs. 10,000/- 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 no.1 and undertakes to provide bank account details of the complainant to the petitioner no.1 as early as possible.

Considering the aforestated facts, let the petitioners, above named in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (East), Muzaffarpur in connection with Complaint Case No. 2520 of 2016 arising out of Trial No.2147 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner no.1 shall be accepted by the learned court below on showing receipt of deposit of Rs. 10,000/- by the petitioner no.1 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/-

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