

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69933 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- SIDHWALIYA District- Gopalganj

BALMIKI KUMAR @ BALMIKI DAS S/o Ramayan Das R/o village-
Jhahwagarh, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi W/o Balmiki Das, D/o Harishchandra Mahto R/o village-
Jhahwagarh, P.S.- Sidhwaliya, District- Gopalganj. At present R/o village-
Buchya Kobraj Tola, P.S.- Sidhwalia, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 25-11-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 306, 498(A) of the
Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
is the husband of opposite party no. 2 and is a person with clean
antecedent. It is further submitted that on 27.07.2022, notices were
issued on the opposite party no. 2 and the opposite party no. 2 despite
receiving the notice has chosen not to contest which amply
demonstrates that the opposite party no. 2 is not interested in
pursuing the case. It is next submitted that even from perusal of the



allegation as alleged in the FIR, it would manifest that the informant alleges that she was married with this petitioner on 15.06.2019 and after marriage dowry was being demanded and on non-fulfillment of the same, she was ousted from her matrimonial home.

Learned counsel for the petitioner submits that petitioner is willing to keep the opposite party no. 2 with full dignity and owner but since she has chosen not to appear, as such, he has instruction to make submission based on instruction of the petitioner that the petitioner will pay an amount of Rs.2,000/- by way of monthly maintenance to the opposite party no. 2 till the Court of competent jurisdiction does not fix the maintenance, if filed by the opposite party no. 2.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the 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 released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sidhwalia P.S. Case No. 145 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court is directed to ensure that



this order is communicated to the informant through her counsel so that she is made aware that the petitioner has agreed to pay an amount of Rs.2,000/- by way of monthly maintenance for which the informant shall provide her bank account number in the learned trial court so that the same is made available to the petitioner for depositing the maintenance amount as agreed which shall commence from December, 2022.

Further, in the event, if the informant files an application bringing to the notice of the learned trial court that the petitioner despite agreeing before this Court has not paid the monthly maintenance for two consecutive months despite bank account being furnished to him, the learned trial court after giving an opportunity of hearing to the petitioner shall pass order in accordance with law and will have the opportunity to cancel the bail bonds of the petitioner even after recording reasons.

(Satyavrat Verma, J)

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