

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1726 of 2022

Arising Out of PS. Case No.-692 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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ABHISHEK NANDAN Son of Sri Kamta Nandan Resident of Plot No.132,
Gayatri Nagar- A Maharani Farm, Durgapura, Jaipur (Rajasthan)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar, APP
	:	Mr.Bajrangi Lal, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 324, 498(A), 504 and 511 of the Indian Penal Code read with Sections 3/4 of the D.P. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the complainant alleges that she was married to the petitioner on 22.01.2017 and out of the wedlock a child was born, it is next alleged that after marriage the accused persons, including the petitioner, started demanding Rs. 15 lakhs as dowry and the same was fulfilled by the father of the complainant but still the torture continued and



the petitioner filed a divorce case in the Family Court, Jaipur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that normal wear and tear of life was presumed to be torture. It is next submitted that as far as allegation of receiving Rs. 15 lacs by way of dowry from the father of the complainant is alleged, the same is false as the complainant in the complaint petition has alleged that Rs. 15 lakhs were given and, in her deposition, has alleged that Rs. 25 lakhs were given by way of dowry. Learned counsel next submits that petitioner is an Engineer by profession and was working in Robotech Solution Private Limited at Delhi and was receiving a salary of Rs. 13 lacs per annum (approx) but on account of institution of the present complaint and his implication in a criminal case, he had to resign, it is next submitted that presently petitioner is not working, it is also submitted that the complainant had appeared in the divorce case filed in the learned Family Court at Jaipur.

Learned counsel for the petitioner next submits that the complainant had instituted a case under the D.V. Act in which the learned Trial Court has directed the petitioner to pay an amount of Rs. 30,000/- per month to the complainant, learned counsel further submits that the said order was *ex-parte*



as such the petitioner is challenging that order before an appropriate forum. It is further submitted that now the stage has reached to a level where it is difficult to lead a peaceful and happy conjugal life.

Learned counsel, based on instruction from the petitioner, submits that petitioner for the present is willing to pay an amount of Rs. 14,000/- per month to the informant for the upkeep of the complainant and the child, it is next submitted that though the petitioner is ready to pay the said amount but that will be subject to any decision rendered by a court of competent jurisdiction i.e., either in maintenance case or in the D.V. Act.

Learned counsel for the informant also on instruction submits that he does not oppose the anticipatory bail of the petitioner for the present, but if the petitioner, as agreed, does not pay the monthly maintenance for two consecutive months, then the informant should have liberty to move for cancellation of the bail bonds 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. 10,000/- (Rupees Ten 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 Complaint Case No. 692(C) of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The complainant shall furnish her bank account no. in the learned Trial Court so that the petitioner, as agreed, starts paying the maintenance amount from 18.08.2022. In the event, if the petitioner does not pay the maintenance amount, as agreed, consequently for two months, then the complainant would be at liberty to file an application seeking cancellation of the bail bonds of the petitioner.

The application is disposed of accordingly.

(Satyavrat Verma, J)

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