

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23514 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- PHULWARISHARIF District- Patna

SANJEEV KUMAR SON OF SRI BANSHIDHAR SINGH R/O VILLAGE-
MOHALLA- BIRLA COLONY RASTRIYAGANJ NEAR SHIV MANDIR,
P.S.- PHULWARISHARIF, DISTRICT- PATNA (BIHAR), PIN CODE NO.-
801505

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. JUHI CHAUDHARI WIFE OF SANJEEV KUMAR R/O VILLAGE-
MOHALLA- BIRLA COLONY RASTRIYAGANJ NEAR SHIV MANDIR,
P.S.- PHULWARISHARIF, DISTRICT- PATNA (BIHAR), PIN CODE NO.
801505

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Patel, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-02-2023 Heard learned Senior Counsel for the petitioner,

informant and learned APP for the State.

The petitioner apprehends his arrest in connection
with Phulwarisharif P.S. Case No. 277 of 2021 for the offence
registered under Section 498(A) of the Indian Penal Code and
Section 3/4 of Dowry Prohibition Act.

As per the prosecution story, the informant married
with the petitioner in 2018 but was never given the status of the
wife inasmuch as he never fulfilled the marital duties towards
her. Left with no option, the FIR was lodged.

Learned counsel for the petitioner submits that the
lady never remained with him and he was forced to file divorce



suit on 01.02.2022 and upon knowledge the present FIR was lodged on 13.03.2021. The further submission is that till an order is passed in any maintenance case, he is ready to take care of his wife by paying Rs. 6,000/- per month

Taking into account the fact that the petitioner on its own has offered maintenance to the lady of Rs. 6,000/- per month which will merged with the any order passed in maintenance case, this Court is inclined to extend him privilege of anticipatory bail subject to conditions.

Learned counsel for the informant will be providing the Account Number either to the learned counsel for the petitioner and/or before the concerned Court where the Account Payee Cheque will be provided by the petitioner to be cleared to the informant after checking her credentials.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate cum Sub Judge-XIth, Patna in connection with Phulwarisharif P.S. Case No. 277 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with



further conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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