

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23152 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- MANJHI District- Saran

SONU KUMAR @ SONU KUMAR GUPTA Son of Ramji Prasad Resident
of Village - Tari Bazar, P.s.- Raghunathpur, Distt.- Siwan 841509

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nishu Devi W/o Sonu Kumar @ Sonu Kumar Gupta , D/o Krishna Prasad
Resident of Village - Tari Bazar, P.s.- Raghunathpur, Distt. - Siwan 841509,
At present Resident of Village - Mohamadpur, P.s.- Manjhi, Distt.- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anju Kumari @ Anju Narain,Advocate
For the Opposite Party/s : Mr.Kalyan Shankar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 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 Manjhi P.S. Case No. 440 of 2021 for the offence
registered under Sections 341, 323, 498A, 313 and 34 of the
Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per the prosecution story, the informant alleged
that the marriage took place on 12.02.2020 and immediately
thereafter, she was tortured for dowry and subsequently, she was
forced out. Accordingly, the FIR was lodged.

Earlier this case was sent to the Mediation Centre by a



Co-ordinate Bench of this Court and as per the report submitted by the Mediator, the meditation failed.

Learned Senior Counsel submits that the marriage took place in February, 2020 and immediately thereafter in June 2020, the lady left the place. Further, she was suffering from '*epilepsy*' and though the same cannot be considered as any disease, the husband wanted to get her best of the treatment but she as also her parents always wanted the lady to be treated by the '*Maulvi*' and not in any hospital. As such, he was forced to file Divorce Suit in February, 2021 and ten months later, the present FIR was lodged.

He further submits that taking into account that she is the legally wedded wife of the petitioner and as such, on instruction, he submits that the petitioner intends to pay Rs. 6,000/- per month beginning February, 2023 to the informant which will be cleared by 10th of every month.

Learned counsel for the informant, on the other hand, submits that she is not suffering from '*epilepsy*' and this is pigment of imagination by the petitioner's side. Further, she was treated badly in her in-laws house and was forced out which resulted into the present FIR.

Be that as it may, the fact remains that a Divorce Suit



has been filed and the concerned Court is in seisin of the entire case where maintenance petition has already been preferred by the informant herein.

Further, 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 the maintenance case, this Court is inclined to extend him privilege of anticipatory bail.

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 ACJM-13, Saran at Chhapra in connection with Manjhi P.S. Case No. 440 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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