

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43748 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- CHANPATIA District- West Champaran

KUNDAN KUMAR @ KUNDAN KUMAR SAH @ CHADAN KUMAR
SAH SON OF GAJADHAR SAH RESIDENT OF VILLAGE-GAMHARIYA
PS- RUXAUL DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRIYANKA KUMARI WIFE OF KUNDAN KUMAR @ CHANDAN KUMR RESIDENT OF VILLAGE-BANKAT TIKULIYA, PS-CHANPATIYA, DISTT- WEST CHAMPARAN PRESENT RESIDENT GAMHARIYA , PS- RUXAUL , DISTT- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Chanpatiya PS Case No. 454 of 2022 registered for the offences punishable under Sections 498 (A), 328, 323, 504, 313, 506, 120B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the F.I.R. marriage of the Opposite Party No. 2 was solemnized with the petitioner on 26-02-2020 according to Hindu rites and customs. It is alleged that the petitioner took the Opposite Party No. 2 along with his mother, father and other family members to Chennai and when the Opposite Party No. 2 was six months pregnant, the accused per-



sons started demanding Rs. 10 lakhs as dowry for purchase of a flat in Chennai and due to non fulfillment of the said demand, she was tortured both physically and mentally.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He next submits that the petitioner was working as a Store Keeper in a vehicle factory in Chennai and due to non cooperation of the Opposite Party No. 2 both of them could not lead peaceful matrimonial life. He further submits that the Opposite Party No. 2 herself deserted the petitioner. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 5000/- per month to the Opposite Party No. 2 as living cost subject to final outcome of the present case as well as the matrimonial case if any, decided between the parties.

5. Learned counsel for the Opposite Party No. 2 submits that petitioner left the Opposite Party No. 2 in Chennai regarding which the Opposite Party No. 2 filed a missing complaint with the Tamil Nadu Police bearing PS: Tank Factory, FIR No. 235 / 2022. Learned counsel accepts the offer so made by learned counsel for the petitioner and submits that the



petitioner may be directed to deposit the said amount of Rs. 5000/- per month in the bank account of the Opposite Party No. 2 details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his arrest / surrender before the learned court below within a period of six weeks from today be released on anticipatory bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran in connection with Chanpatiya PS Case No. 454 / 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 5000/- per month in the bank account of Opposite Party No. 2 positively by 7th day of every month starting from the



month of September, 2023.

(Anil Kumar Sinha, J)

praful/-

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