

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42709 of 2023

Arising Out of PS. Case No.-927 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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SUKHAL YADAV SON OF LATE MAIYAN YADAV RESIDENT OF
VILLAGE- SONKHAR, PS- RAM NAGAR, DIST- WEST CHAMPARAN
... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDA DEVI WIFE OF SUKHAL YADAV RESIDENT OF VILLAGE-
SHERAHWA DEWRAJ, PS- RAM NAGAR, DISTT- WEST
CHAMAPARAN
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, APP
For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-08-2023 Heard Mr. Vijay Kumar Singh, learned counsel for

the petitioner, Ms. Rita Verma, learned Additional Public
Prosecutor for the State and learned counsel for the
complainant/OP No.2.

2. Petitioner apprehends his arrest in connection with
Complaint Case No. 927/2022 arising out Tr. No. 2165/2023
registered for the offence punishable under Sections 341, 323,
504, 498(A)/34 of the IPC.

3. As per prosecution case, the complainant got
married to the petitioner in the year 2004 and her
Gauna/Rukhsati was performed in the year 2007. Thereafter,
the petitioner, allegedly, started to misbehave and torture her in
order to bring Rs. 15,000/- per month as dowry and due to non



fulfillment of the same, she was ultimately, ousted from her matrimonial home. In the complaint petition, it has also been disclosed that out of the said wedlock, she has been blessed with three children.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case in order to harass him. The allegation levelled against the petitioner regarding demand of Rs. 15,000/- per month by the complainant/OP No.2 is altogether baseless and unreasonable inasmuch after eighteen years of marriage it seems *prima facie* improbable. Learned counsel, however, submits that without prejudice to his right and contention, the petitioner is ready to pay a sum of Rs. 5,000/- to the complainant as living cost.

5. Learned counsel for the complainant/OP No.2 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 complainant/OP No.2 details of which shall be furnished by learned counsel for the complainant/OP No.2 to the learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the material on record and the fact



that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the complainant/OP No.2, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner, named above, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. P. Kumar, learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran/successive court in connection with Complaint Case No. 927/2022, Tr. No. 2165/2023 subject to the condition as laid down under Section 438(2) CrPC as well as the following condition:-

1. That the petitioner shall deposit a sum of Rs. 5000/- per month in the bank account of Complainant/OP No.2 positively by 7th day of every month starting from the month of September, 2023.

(Anil Kumar Sinha, J)

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