

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43613 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

MANOJ KUMAR PANDEY @ TINKU PANDEY Son of Shri Lalan Pandey
Resident of - Pratap Nagar, Ward No.- 11, Near Old Chek Post, P.S.-
Mohania, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Punita Kumari @ Punita Devi Wife of Manoj Kumar Pandey D/O-
Haribansh Pandey, Village - Kharenda, P.S.- Belaw, P.O.- Kharenda, Dist. -
Kaimur at Bhabua 821102.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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 Bhabua Mahila PS Case No. 26 of 2023 dated 14 / 05 / 2023 registered for the offence punishable under Sections 498 (A) / 323 / 341 / 34 of the IPC and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case the marriage of the informant was solemnized with the petitioner on 11-05-2018 and when she came to her matrimonial home at Mohania, her husband and in-laws started demanding a Bullet Motorcycle and due to non-fulfillment of the demand of dowry she was finally ousted from her matrimonial home on 19/04/2023.



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 the informant wants to live separately with her husband at Varanasi but the petitioner, who is working as a labour at Varanasi to earn his livelihood is unable to meet the expenses. The petitioner has already filed a matrimonial case under Section 9 of the Hindu Marriage Act bearing Matrimonial Case No. 372 / 2022 for restitution of conjugal rights. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family the petitioner undertakes 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 pending between the parties.

5. Learned counsel for the informant-Opposite Party 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 informant / 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, as such, 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 S.D.J.M., District – Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 26 of 2023 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 the 7th day of every month starting from the month of September, 2023.

praful/-

(Anil Kumar Sinha, J)

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