

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50686 of 2023

Arising Out of PS. Case No.-2076 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

Abhishek Kumar, Son of Dhananjay Yadav @ Dhananjay Prasad Yadav,
Resident of Village And P.O.- Jaypur, P.S.- Mehandiya, District Arawal
... .. Petitioner

Versus

1. The State of Bihar
2. Mamata Sinha, Daughter of Rajiv Singh, Wife of Abhishek Kumar, Resident of Village And P.O.- Jaypur, Police Station- Mehandiya, District- Arawal At Present residing At Prithvipur, Gali No. 1, Chiraiya Tand, P.S.- Kankarbagh, District- Patna

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ravi Shanker Pankaj, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP
For the Complainant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the complainant.

2. The petitioner in the present case is seeking pre- arrest bail in connection with Complaint Case No. 2076 C of 2022 in which cognizance has been taken under Sections 498A and 324 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. As per the prosecution story, on 21.05.2021 the complainant was married with this petitioner. The parents of the complainant had spent Rs.12,00,000/- in marriage and gifted gold jewelry and other precious items worth Rs.12,00,000/-. After few days of the marriage, the family of the petitioner started demanding Rs.15,00,000/- dowry as the husband of the complainant had become



a Railway employee. The father of the complainant had further paid Rs.5,00,000/- to settle the matter but the petitioner and his family continued to torture her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that both the parties are looking for an amicable resolution of dispute. It is further submitted that the petitioner offers to pay Rs.8,000/- per month by tenth day of every month subject to result of an appropriate proceeding in an appropriate court.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein now the parties are looking for an amicable resolution of dispute and the petitioner being an employee in the Department of Railway has in order to show his bonafides offered to pay a sum of Rs.8,000/- per month for the present to his wife subject to result of an appropriate proceeding of maintenance and the learned counsel for the complainant-opposite party no. 2 accepts this offer for the present without any prejudice to the contention of opposite party no. 2, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Complaint Case No. 2076 C of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned S.D.J.M., Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that in terms of his own offer, the petitioner shall pay a sum of Rs.8,000/- per month within first ten days of every month in the account of the complainant, subject to any other order which may be passed by an appropriate court in an appropriate proceeding and the complainant shall provide the bank account to the petitioner in which the payment is to be deposited. Breach of this condition shall invite action towards cancellation of bail bond of the petitioner.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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