

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50561 of 2023

Arising Out of PS. Case No.-1749 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SHAKTI KUMAR SON OF ASHOK PRASAD GUPTA RESIDENT OF
VILLAGE- KAMTAUL BAZAR NEAR SBI ATM, PO- KAMTAUL, PS-
KAMTAUL DIST- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANJALI KUMARI WIFE OF SHAKTI KUMAR RESIDENT OF
BANIYAPATTI CHOWK NEAR PANCHMUKHI HANUMAN MANDIR,
PS- TOWN, DIST- MOTIHARI, PIN CODE-845401

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1749 of 2022 dated 15-07-2022
registered under Section 323, 324, 406, 498(A), 504 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the complaint petition marriage of the
complainant / opposite party no. 2 with the petitioner was
solemnized on 11.07.2019. After marriage the accused persons
including the petitioner demanded a motorcycle as dowry and
committed cruelty upon her due to non fulfillment of the same
and lastly on 09.11.2021 the complainant was ousted from her
matrimonial home.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case in order to harass him. The allegation levelled against the petitioner regarding demand of motorcycle by the complainant / opposite party no. 2 is altogether baseless. He next submits that the fact of the matter is that the opposite party no. 2 does not want to live with the petitioner along with her in-laws in her matrimonial home. He further submits that petitioner has already filed a matrimonial case under Section 9 of the Hindu Marriage Act bearing Matrimonial Case No. 115 of 2022 in the court of Principle Judge, Family Court, Darbhanga for restitution of conjugal right. Learned counsel however submits that without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner is ready to pay a sum of Rs. 5000/- per month to the complainant / opposite party no. 2 as “living cost”.

5. Learned counsel for the complainant / 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 complainant / opposite party no. 2 details of which shall be furnished by learned counsel for the



complainant / 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 material on record and the fact that offer made by the learned counsel for the petitioner has been accepted by learned counsel for the complainant / O.P. No. 2, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sadar Motihari, East Champaran in connection with Complaint Case No. 1749 of 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 the complainant / opposite party no. 2 positively by 7th day of every month starting from the month of December, 2023.

(Anil Kumar Sinha, J)

praful/-

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