

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51833 of 2023

Arising Out of PS. Case No.-2158 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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DHANANJAY KUMAR Son of Bhola Prasad Sah @ Bhola Prasad Resident
of village - Pratap Patti, ward no. 10, P.S. - Sahebganj, Distt. - Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari Wife of Dhananjay Kumar Resident of village - Pratap Patti,
ward no. 10, P.S. - Sahebganj, Distt. - Muzaffarpur at present D/o Raj Kumar
Sah, Resident of village - Benipur Khijirpura, P.S. - Keshariya, Distt. - East
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar
For the Opposite Party/s	:	Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 06-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection
with Trial No. 1775 of 2023 arising out of Complaint Case No.
2158 of 2022 dated 25.08.2022 registered for the offence pun-
ishable under Sections 323, 498 (A), 328, 406 of the I.P.C. and
Section 3/4 of the Dowry Prohibition Act.

3. The prosecution case in nutshell is that marriage of
the complainant was solemnized with the petitioner in the year
2021. It is alleged that only after two-three days of the marriage
all the accused persons started making demand of one
motorcycle and Rs. 2 Lakh as dowry and due to non fulfillment
of the same, the complainant was subjected to torture and lastly
on 15.08.2022 the accused persons including the petitioner



ousted the complainant from her matrimonial home.

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 petitioner never demanded dowry and did not commit cruelty upon the complainant. He further submits that the complainant herself left her matrimonial house at the instance of her parents. He also submits that the petitioner is ready to keep his wife with full honour and dignity. 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. 4000/- per month to the Opposite Party No. 2 as living cost subject to final outcome of the matrimonial case / maintenance case if any decided between the parties..

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. 4000/- per month in the bank account of the complainant / 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 Ms. Pooja Kumari, Judicial Magistrate-1st Class, Motihari, East Champaran in connection with Trial No. 1775 / 2023 arising out of Complaint Case No. 2158 / 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. 4000/- per month in the bank account of Opposite Party No. 2 positively by the 7th day of every month starting from the month of January, 2024.

(Anil Kumar Sinha, J)

praful/-

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