

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52815 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- COMPLAINT CASE District- Araria

SOMARAY DHARKAR @ SOMVARE DHARKAR @ AKALI DHARKAR
SON OF SHARKU DHARKAR RESIDENT OF VILLAGE- NORTH
BAZAR, BHAISHATI, PS- NAKSALBARI, DARJEELING (WEST BEN-
GAL)

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. PUJA DEVI WIFE OF SOMARAY DHARKAR @ AKALI DHARKAR
RESIDENT OF VILLAGE- POTHIA, WARD NO. 3, PS- SIMRAHA
(FORBESGANJ), DISTT- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
For the Opposite Party/s	:	Mrs.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 142 (C) of 2022 dated 24.01.2022 registered for the offence punishable under Sections 498(A) of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case the marriage of the complainant was solemnized with the petitioner two years ago. It is alleged that the petitioner and other in-laws demanded a motorcycle and cash as dowry and due to non fulfillment of the same, she was subjected to cruelty and physical and mental torture and lastly she was ousted from her matrimonial home. It



is further alleged that the petitioner performed second marriage with one Putul Devi.

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 the petitioner never demanded any dowry in kind and / or cash. The petitioner is ready to keep his wife i.e. complainant / Opposite Party No. 2 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. 3000/- 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. 3000/- 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 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 Judicial Magistrate-2nd Class, Araria / concerned court in connection with Complaint Case No. 142(C) 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. 3000/- 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/-

U		T	
---	--	---	--

