

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41614 of 2021

Arising Out of PS. Case No.-1467 Year-2018 Thana- COMPLAINT CASE District- Banka

1. RUPESH KUMAR @ RUPESH CHOUDHARY Son of Arjun Choudhary Resident of Village - Mera, P.S. Katoria, District Banka.
2. Ruda Devi Wife of Arjun Choudhary Resident of Village - Mera, P.S. Katoria, District Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sony Devi Wife of Rupesh Kumar @ Rupesh Choudhary Resident of Village - Mera, P.S. Katoria, District Banka. At present daughter of Jairam Choudhary Resident of Village - Dumuhan, P.S. and District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP
Mr.Ajay Mukherjee, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered under sections 323, 379, 498(A) of the IPC and sections 3/4 of Dowry Prohibition Act.

Petitioners, who are husband and mother-in-law of the informant, is said to have committed torture upon the informant in association of other family members on account of non-fulfillment of demand of dowry and thereafter ousted her out of the matrimonial house.

It is submitted by learned counsel for the petitioners that



petitioners are innocent and have committed no offence. Petitioners have never made any dowry demand and have been falsely implicated in the present case due to grudge. There is general and omnibus allegation against the petitioners and petitioner no.1 is ready and willing to keep his wife with full honour and dignity. The petitioner no.1 has relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006 (3) PLJR 182.*

In that view of the matter, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.1467 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner no.1 is ready to pay Rs.5000/- (Rupees Five Thousand) per month to opposite party no.2 in the second week of every month, for her maintenance, as per the bank account details furnished by her in the learned Court below.



It is made clear that if the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancellation of the bail bond of the petitioners.

It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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