

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15280 of 2024

Arising Out of PS. Case No.-663 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Shailesh Patel @ Shailesh Kumar, S/o Hari Chaudhary @ Harischandra Raut
@ Harishchandra Patel @ Harichandra Raut @ Harichandra Patel, R/o
Mohalla-Ward No.7, Road No.2(c), Durga Chauk, Gali No.2, Patel Nagar,
P.S.- Shastri Nagar, District- Patna at permanent R/o Village-Gobroura, P.S.-
Lauriya, District- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Suruti Devi, W/o Shailesh Patel @ Shailesh Kumar, D/o Late Brajesh Patel,
Resident of Village- Gobraura, P.S.- Lauriya, District- West Champaran

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Mithilesh Kumar Singh, Advocate
For the State	:	Mr. Khurshid Anwar, APP
For the Complainant/OP No.2:	:	Mr. Bimlesh Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner is named in the

complaint and apprehending his arrest in connection with

Complaint Case No.663(c) of 2021 in which cognizance has

been taken for the offences punishable under Sections 498-

A, 406, 323 of the Indian Penal Code and sections 3 and 4

of the Dowry Prohibition Act.



3. The allegation against the petitioner is to commit physical and mental torture to the complainant/wife along with family members and demanded Rs. 3,00,000/- as dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife with full honour and dignity. Learned counsel submits that petitioner has been falsely implicated with present case. The allegation regarding dowry demand and cruelty appears general and omnibus and, moreover, as a good gesture he is ready to pay Rs. 5,000/- as an *ad-interim* maintenance amount to complainant/O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before learned Trial Court.

5. Learned A.P.P. for the State duly assisted by learned counsel for the complainant/wife opposes the prayer for bail of the petitioner.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner



is ready to pay *ad-interim* maintenance amount of Rs. 5,000/- to complainant/O.P. No. 2/wife, accordingly, the petitioner, above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Complaint Case No.663(c) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 5,000/- as an *ad-interim* maintenance amount to complainant/O.P. No. 2/wife on or before 7th day of English calendar month. Payment for the month of **March** be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of **April** onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure, if any.

(ii) If petitioner fails to pay *ad-*



interim maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

(iii) Aforesaid conditions shall remain operational till finding of Family Court. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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