

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15349 of 2023

Arising Out of PS. Case No.-1070 Year-2009 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Ramesh Chaupal, Son Of Ravin Chaupal Resident Of Village- Barha, P.S.-
Bisfi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi, Wife of Ramesh Chaupal, D/O Bhadur Das Resident of
Village- Majhla Pali, P.S.- Benipatti, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 380, 332, 341, 379, 498(A), 504 and 34 of the Indian
Penal Code, but cognizance was taken under Section 498(A) of
the I.P.C.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 13.05.2024, it would
manifest that the same records that notice on behalf of opposite
party no.2 has been received by her father.

4. Since the notice has been received by father of the



opposite party no.2, as such, it is deemed to have been validly served.

5. The learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the complainant alleges that the complainant, after two and half years of marriage, was thrown out of her matrimonial home as the demand of dowry of Rs.55,000/- and a cow was not fulfilled.

6. The learned counsel for the petitioner submits that petitioner never demanded any dowry and is a labourer and is willing to keep the complainant with honour and dignity. It is next submitted that complainant despite receiving notice chooses not to appear and contest the case, which amply demonstrates that petitioner has been falsely implicated in the instant case. It is also submitted that with passage of time, the relationship may improve in between him and the complainant as well-wishers are trying. It is next submitted that petitioner is willing to a pay monthly maintenance of Rs.2,000/- to the complainant which shall commence from 01.06.2024.

7. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.



8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Benipatti, Madhubani in connection with C.R. Case No.1070 of 2009, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner, in the event, if the petitioner does not pay the monthly maintenance Rs.2,000/- as agreed for two consecutive months.

11. It is further made clear that the present maintenance will stop, the moment maintenance is fixed by a Court of competent jurisdiction

(Satyavrat Verma, J)

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