

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15213 of 2024

Arising Out of PS. Case No.-112 Year-2018 Thana- MAHILA P.S. District- Nalanda

SHIV KUMAR S/O- BRAHMDEO SINGH R/O- VILLAGE- CHARAUN,
P.S.- MUFASSIL, DIST.- MUNGER.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PRATIMA KUMARI DAUGHTER OF PARANATH SINGH RESIDENT
OF VILLAGE- SURAJPUR, PS AND DIST- NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For Opposite Party No.2	:	Mr. Anil Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 20-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 498A and 34 of the Indian Penal Code.

3. Allegation against the petitioner is of matrimonial cruelty and of demand of dowry.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner happens to be husband of informant/Opposite Party No. 2. Learned counsel denies the prosecution case and submits that the present case has been filed only in retaliation to Matrimonial Divorce Case No. 65 of 2018 which was filed on 09.04.2018 by this petitioner in the Court of



learned Principal Judge, Family Court, Munger, under Section 13(1)(1-a) of the Hindu Marriage Act, seeking divorce on the ground of cruelty meted by the informant/Opposite Party No. 2 to this petitioner. It is further submitted that pursuant to direction passed by the learned Family Court, Munger, the petitioner is already paying maintenance of Rs. 5,000/- per annum to the informant/Opposite Party No. 2 and undertakes to pay the same regularly and also pay arrears in easy installments, till disposal of Matrimonial Divorce Case No. 65 of 2018.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner has not yet cleared arrears of maintenance.

6. Considering the aforesaid facts and circumstances, nature of accusation and the fact that petitioner undertakes to pay maintenance regularly to the informant/Opposite Party No. 2 and also to pay the arrears of maintenance in easy installments, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner



be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, in connection with Mahila P.S. Case No. 112 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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