

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18422 of 2024

Arising Out of PS. Case No.-15 Year-2021 Thana- NAUGACHIA MAHILA P.S. District-
Bhagalpur

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Vinay Kumar Son of Sri Ram Avtar @ Ram Avtar Das Resident of Village-
Got Kharik, P.S.- Kharik Bazar, District- Bhagalpur and at present resident of
House No. 62/148, Shiv Vasti, Rama Road Patel Nagar Railway Station, Patel
Nagar, West Delhi, Delhi - 110015

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shushma Kumari Wife of Vinay Kumar and D/o Sri Manikant Das Resident
of Village- Dhar Hara, Latipakar, P.S.- Gopalpur, District- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 27-06-2024 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of the

opposite party no. 2.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 323, 341,

498(A)/34, 307, 379 and 504 of the Indian Penal Code as well as

Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that

petitioner, being the husband, has been falsely implicated in the

instant case by the opposite party no. 2. It is further submitted that

from perusal of the allegation as alleged in the FIR, it would

manifest that in sum and substance, the opposite party no. 2

alleges that soon after the marriage, the accused persons including



the petitioner started demanding dowry and that petitioner was having illicit relationship with his Bhabhi. It is next submitted that neither dowry was demanded nor petitioner is having any illicit relationship with his Bhabhi rather the opposite party no. 2 for reasons best known does not want to stay with the petitioner. It is also submitted that a petition seeking restitution of conjugal right has also been filed which is pending adjudication.

4. Learned counsel appearing on behalf of the opposite party no. 2 submits that he has instruction to make submissions that opposite party no. 2 does not intend to revive her conjugal relationship.

5. Learned counsel for the petitioner, at this stage, submits that no useful purpose would be served by sending the petitioner to jail as the allegations are in realm of allegation and are required to be proved in a duly constituted trial but then petitioner is willing to pay a monthly maintenance of Rs.5,000/- to the opposite party no. 2.

6. Learned counsel for the opposite party no. 2 submits that since petitioner is willing to pay a monthly maintenance as such the anticipatory bail application is not being opposed.

7. Considering the aforesaid submissions, the petitioner above-named, in the event of his arrest or 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.5,000/- (Rupees Five Thousand) 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 Naugachia Mahila P.S. Case No. 15 of 2021, G.R. No. 963 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner if the petitioner does not pay the amount of maintenance as agreed for two consecutive months and if any application on behalf of the opposite party on. 2 is filed seeking maintenance and the same is decided, in that event the present maintenance shall stop.

9. Learned counsel appearing on behalf of the opposite party no. 2, at this stage, submits that he will provide the bank account number of the opposite party no. 2 to the learned counsel for the petitioner.

(Satyavrat Verma, J)

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