

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20166 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- MAHILA P.S. District- Saran

PRAMOD KUMAR SAH @ PRAMOD KUMAR Son of Bindeshwari Sah
Resident of Village-Rajapur, P.S.-Dariyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NANDANI KUMARI Wife of Pramod Kumar @ Pramod Kumar Sah, D/o Mohan Sah At present residing at Village-Sitabganj, Ward No.-6, Parmanand, P.S.-Sonepur, District-Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 19-09-2024 Heard learned counsel for the petitioner as well as learned APP for the State. No one appears on behalf of the O.P. No.2.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 498(A) of the IPC and $\frac{3}{4}$ of the Dowry Prohibition Act in connection with Mahila P.S. Case No.77 of 2023.

3. The learned counsel for the petitioner submits that petitioner being husband has been falsely implicated in the



instant case by the informant.

4. It is next submitted that apart from the allegation of demand and torture it is also alleged that informant was carrying pregnancy, but then the accused persons were not interested in the child, as such her father-in-law and elder brother-in-law asked her to abort the pregnancy and when informant was not ready, it is alleged that she was confined in a room and her mother-in-law along with her sister-in-law (Gotani) and the husband started assaulting her leading to abortion of the pregnancy. It is submitted that no medical report in support of the said allegation has been brought on record by the informant during the course of investigation. It is also submitted that no grandfather, grandmother and father would ever indulge in such an act of killing their own child in the womb. It is further submitted that the said allegation has been alleged only with a view to give serious colour to the case. It is further submitted that the relationship in between the petitioner and the informant has soured to an extent where it is not possible to revive the conjugal relationship in the present, but then with passage of time an on intervention of well-wisher the parties may resolve their dispute.

5. The learned counsel based on instruction also



submits that petitioner being husband is aware of his responsibilities and petitioner is willing to pay a monthly maintenance of Rs.5000/- to the informant which shall commence from 01.10.2024. It is also submitted that petitioner earns a monthly salary of Rs.15,000/-.

6. The learned APP opposes the anticipatory bail application, but then fairly submits that no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance and at the same time if petitioner is send to jail, the chances of the dispute getting resolved in future will get marred.

7. 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Chapra, Saran in connection with Mahila P.S. Case No.77 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that the O.P. No.2 shall be at liberty to file an application before this Court seeking



cancellation of the anticipatory bail of the petitioner in the event if the petitioner does not pay the monthly maintenance as agreed for two consecutive dates.

9. The learned Trial court is directed to provide a copy of the order to the learned Advocate appearing on behalf of O.P. No.2 for perusal of the O.P. No.2.

(Satyavrat Verma, J)

Prakash Narayan

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