

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27684 of 2024

Arising Out of PS. Case No.-369 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Abhishek Anand S/o Anand Mohan Mishra Resident of Flat No. 102, Ruchi Residential Apartment, Road No. 03, West Mahesh Nagar, P.S. Patliputra, District- Patna. Permanent resident at Flat No. 401, Uniworld City Vista Tower- 6, New Town Action Area-3, Rajwihat, West Bengal-700156

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari D/o Shri Anand Jha, W/o Abhishek Anand At present residing at D/13 Danby Road, P.O. Lalbag, P.S. L.N.M.U., District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

Mr. Shashank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 07-10-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. The petitioner who is husband of opposite party no. 2, apprehends his arrest in a case registered for the offences under Sections 498(A), 34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. Petitioner is alleged to have committed torture and harassment to opposite party no. 2 for dowry.

4. Learned counsel for the petitioner, by way of referring to paragraph nos. 2 & 3 of the supplementary affidavit,



submits that father and mother of present petitioner have been granted bail by the learned Court below on condition, which has arrived at in between them and opposite party no. 2 in the compromise petition, that they will pay Rs. 15,000/- (Fifteen thousand) per month, as assistance money for education of their grand child and day-to-day expenses of the opposite party no. 2, which they have paid till March, 2024. Learned counsel for the petitioner further submits that since opposite party no. 2 has got job of Government Teacher and getting monthly salary more than Rs. 50,000/- (Fifty thousand), the parents of petitioner have stopped making payment of Rs. 15,000/- to opposite party no. 2. The parents of petitioner have also agreed to give a sum of Rs. 5,00,000/- in the name of their grand son. However, learned counsel for the petitioner undertakes that petitioner shall pay Rs. 3,000/- per month, starting from this month, to opposite party no. 2 for upkeep of his son.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to pay ***Rs. 3,000/- (three thousand) per month*** to the opposite party no. 2 for upkeep of his son, in the event of arrest/surrender within a period of eight 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 S.D.J.M., Darbhanga / concerned court in connection with L.N.M.U. P.S. Case No. 369 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

- “(1) Opposite party no. 2 would file an affidavit before the court below and bring on record her savings bank account number for its communication to the petitioner.
- (2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party no. 2.
- (3) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.
- (4) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.”

(Prabhat Kumar Singh, J)

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