

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46278 of 2024

Arising Out of PS. Case No.-511 Year-2023 Thana- SULTANGANJ District- Patna

Santosh Kumar Son Of Ram Prasad Singh Resident Of Road No. 11, East Ashok Nagar, P.O.- Lohia Nagar, P.S.- Kankarbagh, District- Patna, Bihar- 800020.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Puja Kumari Daughter Of Arjun Yadav R/O 2 Chhata Bad Bhandari Dih Near Rose Medical, Chhatabad, Katras Garh, Dhanbad, Jharkhand- 828113

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar Pandey
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323,498A, 504, 506 and 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that notices were issued on the OP No. 2, but the OP No. 2, despite receiving notice, chooses not to appear and contest.

4. It is next submitted that petitioner, being husband, has been falsely implicated in the instant case by the informant. It is also submitted that the informant alleges that she was



married to the petitioner on 22-6-2023 and after her marriage, the accused persons including the petitioner started torturing her for non-fulfillment of the dowry demand of Rs. 2 lakh and the petitioner even started living separately from her and used to assault her and on 12-10-2023 at 12:30 am, the petitioner assaulted her and also attempted to kill her and locked her in a room and thereafter fled away, accordingly she dialed 112, when police came and rescued her.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is also submitted that the OP No. 2 for reasons best known is not willing to revive her conjugal relationship when petitioner still is willing to keep OP No. 2 with honour and dignity. It is also submitted that this perhaps explains why the OP No. 2 despite receiving notice chooses not to appear and contest as she is not interested in continuing with the marital relationship.

6. Learned A.P.P., Shri. Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the OP No. 2 even after receiving notice chooses not to appear but then it may be a possibility that in absence of financial support the OP No. 2 is not in a position to approach this Court through a learned lawyer.



7. Learned counsel for the petitioner, at this stage, submits that he has instruction to make submission that petitioner is even willing to pay a monthly maintenance of Rs. 6,000/- (Six Thousand) to the OP No. 2, on which the learned APP submits that since petitioner is willing to pay a monthly maintenance of Rs. 6,000/- to the OP No. 2, as such, no useful purpose would be served by sending the petitioner to jail and if the petitioner is sent to jail in that event chances of resolving the dispute in future would also get marred. .

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sultanganj P.S. Case No. 511 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in



the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

10. It is further made clear that the learned trial court shall handover a copy of this order to the learned advocate appearing on behalf of the OP No. 2 for her perusal.

(Satyavrat Verma, J)

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