

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49833 of 2024

Arising Out of PS. Case No.-1078 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Sanjay Kumar Patel Son of Rajendra Raut Resident of Vill- Gangapur, Ward No.3, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinku Kumari @ Pinki Kumari Daughter of Devnarayan Rai and Wife of Sanjay Kumar Patel Resident of Ward No. 13, Lodipur Aseenchak, Haris-hankarpur, P.S.- Dalsinghsarai, District- Samastipur, Presently Resident of Vill- Gangapur, Ward No. 3, P.S.- Musarigharari, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
Ms. Khushi Awadh, Advocate
Ms. Shruti Sinha, Advocate

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2024 1. Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case vide C.R. No. 1078 of 2022 dated 12.07.2022 registered for the offence punishable under Sections 323, 314, 324, 498A, 504, 506 / 34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.



3. As per the complaint petition the marriage of the complainant was solemnized with the petitioner on 13.05.2005 according to Hindu rites and rituals. It is alleged that the accused persons including the petitioner demanded Rs. 2 Lakh as dowry from the parents of the complainant. After 2-2½ years of marriage, the complainant became pregnant, but suffered miscarriage as she was assaulted and not given proper treatment in her matrimonial home. Thereafter, a “Panchayati” took place in which the in-laws of the complainant agreed to keep the complainant, and thereafter, she gave birth to a girl child. The petitioner thereafter went to Delhi and started giving threats of second marriage to the complainant. In June, 2020 the petitioner returned from Delhi and along with his family members assaulted the complainant and ousted her from the matrimonial home. Later on, Rs. 5 Lakh was demanded by the in-laws of the complainant. On 07.07.2022 the complainant went to her matrimonial home where she was assaulted and was not allowed to enter into the house.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He next submits that the petitioner is the eldest son of his parents and the only earn-



ing member of the family and the Opposite Party No. 2 is pressurizing the petitioner to live separate from his parents. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 5,000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the present case as well as matrimonial case and / or maintenance case filed and decided between the parties.

5. Learned counsel for the complainant / Opposite Party No. 2 accepts the offer so made by learned counsel for the petitioner and submits that petitioner may be directed to deposit the said amount of Rs. 5,000/- per month in the bank account of the complainant / Opposite Party No. 2, details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, as such, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his



arrest / surrender before the learned court below within a period of six weeks from today be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dalsinghsarai, District – Samastipur in connection with Complaint Case vide C.R. No. 1078 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

- (i) that the petitioner shall deposit a sum of Rs. 5,000/- per month in the bank account of the Opposite Party No. 2 positively by the 7th day of every month starting from the month of September, 2024.

(Anil Kumar Sinha, J)

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