

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50511 of 2024

Arising Out of PS. Case No.-2140 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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1. Abhay Kumar Chauhan Son Of Late Lalji Mahto Resident Of Village - Singar Patti, Mathia, Police Station - Hussainganj, District - Siwan
 2. Ramawati Devi Wife Of Late Lalji Mahto Resident Of Village - Singar Patti, Mathia, Police Station - Hussainganj, District - Siwan
 3. Reeta Devi Wife Of Arvind Mahto Resident Of Village - Singar Patti, Mathia, Police Station - Hussainganj, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Devi Wife Of Ajay Kumar Chauhan, Daughter Of Chandeshwar Prasad at Present Resident Of Village - Amlori, Post Office - Amloori, Police Station - Siwan Muffasil, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar
		Mr. Gajendra KumarSingh
		Mr. Udit Narayan Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners; learned
counsel for the complainant and learned counsel for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 2140 of 2022 dated 14-10-2022 registered for the offence punishable under Sections 323,406, 498(A)/34 of the I.P.C. and Section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the marriage of the complainant was solemnized with the petitioner on 06-06-2014



according to Hindu rites and rituals and after the marriage, she went to her matrimonial home and she was well for five months in her matrimonial home. Thereafter, petitioners started demanding one lakh cash and a four wheeler as dowry and due to non- fulfillment of dowry demand, petitioners tortured her by various means. They ousted her from the matrimonial house on 10-10-2022 after snatching her ornaments given to her in marriage. They also assaulted her brutally and damaged her maternal home articles.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is submitted that the marriage was solemnized on 06-06-2014 and this case has been lodged after seven years of marriage. No ingredient of Section 4 of the Dowry Prohibition Act has been attracted in the instant case against the petitioners. It is submitted that a Divorce Case has been lodged bearing Divorce Case No. 295 of 2022 dated 12-10-2022 before the Family Court, Siwan which is pending for final adjudication. It is submitted that when the complainant received information about filing of the Divorce case, the present false case has been lodged on 14-10-2022. It is further submitted that petitioner no.1 is the husband of the complainant and petitioner no.2 is the



mother-in-law of the complainant and petitioner No.3 is the wife of elder brother of petitioner no.1. It is submitted that the complainant is a short-tempered lady and used to quarrel with her husband as well as in-laws even in petty matters and she further used to threaten the petitioners to implicate them in a false case. Complainant never made any complaint against the petitioners or his family members about torture or any demand of dowry. He next submits the allegation of demand of dowry is totally false as the same has been levelled in order to harass the petitioners. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. However, without prejudice to the right and contention of the petitioners and in order to maintain harmony in the family, the petitioner No.1 who is husband of the complainant/ O.P. No.2, undertakes to pay a sum of Rs. 5,000/- (five thousand) per month to the complainant/ Opposite Party No. 2 as “living cost/maintenance allowance”.

6. Learned counsel for the complainant and learned counsel for the State have opposed the prayer for bail. It is submitted that petitioner No.1, who is husband of the complainant, cannot escape from his liability. He owes prime responsibility towards safety and dignity of his wife and not a



single farthing has been given for her maintenance. The complainant has one female child, out of the wedlock, who is living with her. However, learned counsel for the complainant accepts the offer so made by learned counsel for the petitioner No.1 and submits that the petitioner No.1 may be directed to deposit the said amount of Rs. 5,000/- (five thousand) per month in the bank account of the complainant/ Opposite Party No. 2 details of which, shall be furnished by learned counsel for the complainant /Opposite Party No. 2 to learned counsel for the petitioner No.1 within one week from today.

7. 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 petitioners has been accepted by learned counsel for the complainant/ Opposite Party No. 2, as such, I am inclined to grant anticipatory bail to the petitioners.

8. Let the petitioners, above named, in the event of their 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. 10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of S.D.J.M., Siwan in connection with Complaint



case no. 2140 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) That the petitioner No.1 shall deposit a sum of Rs. 5,000/- per month in the bank account of complainant /Opposite Party No. 2 positively in the 2nd week of every month starting from the month of September, 2024.

(ii) That in the event, the petitioner No.1 does not pay the monthly maintenance as agreed for two consecutive months, the complainant/ OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioners.

9. The application stands disposed of.

(Khatim Reza, J)

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