

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57882 of 2023

Arising Out of PS. Case No.-446 Year-2023 Thana- ARA NAGAR District- Bhojpur

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Anurag Kumar @ Anurag Mahto S/O Late Sipahi Mahto R/O Village-
Mirachak, P.S- Ara Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanju Devi W/O Anurag Kumar @ Anurag Mahto, D/O Surendra Mahto
R/O Village- Mirachak, P.S- Ara Nagar, Distt.- Bhojpur At Present, R/O-
Village- Hetampur, P.S- Tiyar, Distt.- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar, Advocate
For the State	:	Mr.Ramchandra Sahni, A.P.P.
For the Opposite Party/s	:	Mr. Chhotelal Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 06-12-2024 Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel for the opposite party no. 2.

02. In the present case, the petitioner is apprehending

his arrest in connection with Ara Town P.S. Case No. 446 of 2023

registered for the alleged offences under Section 341, 323, 324,

498(A)and 34 of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act.

03. As per prosecution case, the petitioner is the

husband of the informant and allegation against the petitioner and

other co-accused persons is that of torturing the informant on

account of their demand of Rs.2 lakh and also trying to set her on

fire.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Prior to lodging of the present case the informant lodged Bhojpur Mahila P.S. Case No. 78 of 2022 with allegation of demand of motorcycle. While living at her matrimonial home she again filed this false case. The marriage was solemnized in the year 2017 and there are two children out of this wedlock but the informant never wanted to reside with the petitioner in her matrimonial home and she used to leave her matrimonial home on flimsy grounds. The allegation of demand of Rs. 2 lakh and even the allegation about the informant being set on fire is completely false and concocted. Learned counsel further submits that as the informant is the wife of the petitioner and there are two children, the petitioner, in order to buy peace, undertakes to make payment of Rs. 5,000/- per month to the informant towards their maintenance.

05. Learned counsel appearing for the opposite party no. 2 as well as learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned counsel appearing for the opposite party no. 2 submits that the petitioner never intended to keep his wife and, on one pretext or other, used to drive her out. Learned counsel further submits that due to cruel behaviour of the petitioner, the present situation has arisen though the informant/opposite party no. 2 still wants to stay

with her husband and her family.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute and further considering the lodging of FIR against the petitioner in quick succession, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Bhojpur at Ara in connection with Ara Town P.S. Case No. 446 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. However, as per the undertaking, the petitioner would make payment of Rs. 5,000/- per month on or before 15th day of each month till disposal of Ara Town P.S. Case No. 446 of

2023.

08. It is made clear that this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

(Arun Kumar Jha, J)

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