

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58151 of 2023

Arising Out of PS. Case No.-252 Year-2020 Thana- CHHATAPUR District- Supaul

SAROJ KUMAR @ SAROJ KUMAR CHOUDHARY SON OF SHIV SHANKAR CHOUDHARY RESIDENT OF VILLAGE- WARD NO 07, HARIPUR PS -CHHATAPUR, DISTT- SUPAUL

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHIVANI RAJ WIFE OF SAROJ KUMAR @ SAROJ KUMAR CHOUDHARY RESIDENT OF VILLAGE- WARD NO. 13, HASANPUR, PS- RANIGANJ, DIST- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 27-02-2024
1. Heard learned Counsel for the petitioner, learned Counsel for the informant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
 2. The petitioner apprehends his arrest in connection with Chhatapur Police Station Case No. 252 of 2020, dated 04.10.2020, registered for the offences punishable under Sections 498-A/494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.
 3. The allegation, as per the First Information Report, is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner on 19.04.2015 and at the time of marriage the informant's father gave a motorcyle, gold



ornaments and other household articles. It has further been stated that the petitioner and other family members demanded a sum of Rs. 4,00,000/- and a four-wheeler vehicle as dowry, upon which, the informant's father gave Rs. 7,00,000/- in order to pacify the matter. After birth of two children the petitioner and his family further demanded Rs. 2,00,000/- and due to non-fulfillment of the said demand, the Opposite Party No. 2 was tortured physically as well as mentally and subsequently, the informant came to know that the petitioner has solemnized second marriage.

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. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 5,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending and/or decided between the parties.
5. Learned Counsel for the informant-Opposite Party No. 2



accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 5,000/- per month in the bank account of the informant-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, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. 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 bail, upon 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, Supaul, in connection with Chhatapur Police Station Case No. 252 of 2020.



9. This is subject to the condition that the petitioner shall deposit a sum of Rs. 5,000/- per month in the bank account of Opposite Party No. 2, starting from 10th March, 2024.

(Anil Kumar Sinha, J)

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