

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56483 of 2023

Arising Out of PS. Case No.-3461 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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KUMAR GAURAV SON OF LATE LALIT KISHOR RESIDENT OF VILL
BRAHMA STHAN SUDHA MILK PARLOUR NEAR COMFED SCHOOL
EAST KURTHAUL P O KURTHAUL P S PARSA BAZAR DISTRICT
PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAGINI KUMARI WIFE OF KUMAR GAURAV, DAUGHTER OF
NAGINA SINGH RESIDENT OF VILLAGE- TARWAN PO- SUTHA, PS-
PARSA BAZAR, DIST- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 18-01-2024 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. Pursuant to previous orders, both husband and wife are
present in chamber alongwith their respective counsels.
This Court persuaded the parties for amicable settlement,
but could not succeed in the same. Accordingly, this
anticipatory bail application is being decided on its merit.
3. The petitioner apprehends his arrest in connection with
Complaint Case No. 3461 (C) of 2022, registered for the
offences punishable under Sections 323/498-A/506 of the
Indian Penal Code and Sections 4 of the Dowry



Prohibition Act.

4. The allegation, as per the First Information Report, is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner on 19.11.2013 and from the wedlock they have two children. Thereafter, the petitioner started demanding a sum of Rs. 5,00,000/- as dowry from the opposite party no. 2 to purchase a piece of land and due to non-fulfillment of the said demand, the petitioner tortured the Opposite Party No. 2 physically as well as mentally. The petitioner snatched their belongings and ousted the opposite party no. 2 from her matrimonial home. It has further been alleged that the petitioner has taken a loan of Rs. 5,00,000/- by mortgaging the land of the Opposite Party No. 2 and the installment, against the loan, is not being paid by the petitioner.
5. 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 being 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 and children as living cost, subject to the final outcome of the present case as well as the matrimonial case, being Matrimonial Case No. 498 of 2022, pending between the parties.

6. 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, appearing before the learned District Court, to learned Counsel for the petitioner, appearing before the learned District Court, within a period of fifteen days.
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 petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. 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, Patna, in connection with Complaint Case No. 3461 (C) of 2022.

10. 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 07th February, 2024.

(Anil Kumar Sinha, J)

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