

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62531 of 2024

Arising Out of PS. Case No.-292 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Santosh Ram @ Santosh Son of Sudama Ram Resident of Village -
Sikandarpur, P.S.- Jamalpur, District - Mirjapur (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Santosh Ram @ Santosh Resident of Village -
Sikandarpur, P.S.- Jamalpur, District - Mirjapur (U.P). At present address -
Resident of Village - Sogar, P.S. - Chand, District - Kaimur, Bhabua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 17-12-2024 1. Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that from
perusal of the office report dated 20.11.2024, it would manifest that
the notice was received by the complainant/opposite party no. 2 but
then she chooses not to appear and contest.
4. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
instant case by the complainant. It is further submitted that petitioner
is a labourer and the complainant wants to stay at Varanasi as such a
dispute had arisen based on which the complainant left the petitioner



along with two children and is presently staying at her maternal grandfather's place at Kaimur at Bhabua. It is also submitted that even after receiving the notice, the complainant chooses not to contest which amply demonstrates that she is not interested in pursuing the case.

5. Mr. Chandra Bhushan Prasad learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner himself has pleaded that he is a labourer as such the complainant may not be in a position to engage a learned lawyer for herself. It is further submitted that though the complainant along with children is staying apart from the petitioner since 2020 but then there is no pleading in the anticipatory bail application that in these four years, the petitioner ever paid any amount towards maintenance which amply demonstrates the conduct of the petitioner.

6. Learned counsel appearing on behalf of the petitioner at this stage submits that petitioner is willing to pay a monthly maintenance of Rs.4,000/- which shall commence from 31.12.2024. It is further submitted that petitioner will keep depositing the amount of maintenance of Rs.4,000/- in the Nazarat of the learned District Court, Kaimur at Bhabua till the petitioner is not able to get the bank account number of the complainant.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 292 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the complainant shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not deposit the amount of maintenance as agreed for two consecutive months.

9. The learned trial court is directed to handover a copy of this order to the learned counsel appearing on behalf of the complainant for her perusal.

(Satyavrat Verma, J)

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