

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59300 of 2023

Arising Out of PS. Case No.-905 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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GANPATI CHOUDHARY @ GANPATI KUMAR SON OF SHRI DINESH
CHOUDHARY RESIDENT OF VILLAGE - DHEEMA, P.S. -
BANMANKHI, DISTRICT - PURNIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. REKHA DEVI WIFE OF GANPATI CHOUDHARY RESIDENT OF
CHANDAN NAGAR, GULAB BAGH, P.S. - SADAR, DISTRICT -
PURNIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-02-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 905 of 2019 dated 21.05.2019 registered
for the offence punishable under Sections 498A, 323 of the
I.P.C.

3. As per the complaint petition the complainant got married
to the petitioner on 17.04.2016 according to Hindu rites and
rituals. Next day after marriage she went to her matrimonial
house and lived happily for 2-3 months but thereafter the
accused persons demanded a Car and due to non fulfillment of
demand the complainant was assaulted physically and mentally.



The father of the complainant brought her to maternal house. Though on 05.10.2016 on furnishing personal bond by the petitioner the complainant was sent to her matrimonial home even then she was subjected to cruelty and assault. On 15.03.2017 the complainant gave birth to a male child but her child could not survive. After that, the petitioner brought the complainant to New Delhi where she was assaulted by all the accused persons and Rs. 2 lakh was demanded from her father which was given. On 17.02.2018 the complainant gave birth to a female child but after receiving Rs. 2 lakh, the petitioner did not take pain to see his new born daughter and left both of them to suffer.

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. He next submits that though the marriage was solemnized on 17.04.2016, the present complaint has been filed on 21.05.2019. The complainant left her matrimonial home by neglecting and deserting the petitioner since 2017. He submits that there is general and omnibus allegation of assault and demand of dowry against seven accused persons including the petitioner. He submits that the matter was referred to the Patna High Court



Mediation Centre for mediation but unfortunately mediation failed as would be evident from the report of the learned Mediator at flag-A. The petitioner is ready to keep his wife i.e. complainant / Opposite Party No. 2 with full honour and dignity. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 3000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the matrimonial case / maintenance case if any decided between the parties.

5. Learned counsel for the complainant -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. 3000/- per month in the bank account of the complainant / 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,



as such, I am inclined to grant anticipatory bail to the petitioner.

7. 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 anticipatory bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnia / concerned court in connection with Complaint Case No. 905 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 3000/- per month in the bank account of Opposite Party No. 2 positively by the 7th day of every month starting from the month of March, 2024.

(Anil Kumar Sinha, J)

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