

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60900 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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DR. VIMLESH KUMAR @ RAKESH KUMAR S/O RAMJI SINGH R/O
VILLAGE- BABHAN BIGHA, P.S- PARASI, DISTT.- ARWAL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VINITA KUMARI W/O DR. VIMLESH KUMAR @ RAKESH KUMAR
R/O VILLAGE- BABHAN BIGHA, P.O- RAMPUR VAINA, P.S- PARASI,
DISTT.- ARWAL AND PRESENT RESIDING AT VILLAGE AND P.O-
BARUHI, P.S- SAHAR, DISTT.- BHOJPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 31-01-2024 1. Heard the parties.
2. The petitioner apprehends his arrest in connection with
Complaint Case No. 371 of 2022 registered for the offence
punishable under Sections 498 (A) and 323 of the I.P.C.
3. As per the complaint petition the marriage of the
complainant was solemnized with the petitioner in the year 2012
and out of the wedlock she was blessed with a son. It is alleged
that the petitioner performed second marriage with one Jyoti
Kumari in the year 2022 and the petitioner demanded a sum of
Rs. 10 lakh as dowry from the father of the complainant and due
to non fulfillment of the dowry demand, the complainant was



tortured physically and mentally and lastly, she was ousted from her matrimonial home on 05.11.2022.

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 the petitioner did not demand any money as dowry and he is ready to keep the complainant as his wife with full dignity and honour. He also submits that the complainant left her matrimonial home on her own at the instigation of her parents. 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. 15000/- per month to the Opposite Party No. 2 as living cost subject to final outcome of the present case as well as matrimonial case if any pending / or 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 petitioner may be directed to deposit the said amount of Rs. 15,000/- 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 Munsif cum J.M.-1st Class, Arwal in connection with Complaint Case No. 371 of 2022 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. 15,000/- per month in the bank account of Opposite Party No. 2 positively by the 7th day of every month starting from the month of February, 2024.

(Anil Kumar Sinha, J)

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