

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68009 of 2024

Arising Out of PS. Case No.-3456 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Shivnath Mistri Son of Doman Mistry Mohalla- Kurthaul Prasuram Chak,
P.S.- Parsa Bazar, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gauri Kumari @ Gauri Devi Wife of Shivnath Mistri @ Shivnath Kumar,
D/O Sri Ram Narayan Mistri @ Shyam Narayan Mistri At Present Residing
in her Naiher at Mohalla- Postal Pard Road No. 3, P.S.- Jakkanpur, Dist.-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Sharma, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 3456(c) of 2018 for the
offence under Sections 307, 326, 327, 329, 34, 120(B), 498(A) of
the Indian Penal Code as also Section 4 of the Dowry Prohibition
Act lodged on 14.08.2018 by the informant, Gauri Kumari.

3. As per the prosecution story, the informant alleged
that the petitioner despite married and a child, used to torture and
this led to the F.I.R.

4. In this case, considering the inclination of an
amicable settlement, the couple has presented themselves to the



Court.

5. However, though this Court tried its best, it seems that it will take sometime before they realise the fact that due to their regular quarrel, the only child will be the sufferer.

6. It is the stand of the complianant that since no payment has been made to her, she shall be filing maintenance case before an appropriate Court within 30 days. If such maintenance case is filed, the concerned Court shall ensure that an order is passed within a period of six months thereafter.

7. Till then, if the petitioner and the complainant stays away from each other, the petitioner will be paying a sum of Rs.2000/- to the lady and Rs.1000/- to the daughter (totaling Rs.3000/-) and this order shall merge with the order passed by the maintenance court as stated above.

8. In case, the couple stays together, he is not required to make the said payment but still a lump-sum amount has to be given to the lady so that, she can purchase household things.

9. With the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

10. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned Sub Divisional Judicial Magistrate, Patna, in connection with Complaint Case No. 3456(c) of 2018 of subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which, the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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