

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66258 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BALRAMPUR District- Katihar

Laxman Turi Son Of Mahendra Turi Vill-Dhapi Turitola Ps-Balrampur Telta
O.P. Dist-Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Kumari Daughter Of Mahendra Turi Vill-Garhi Ps-Balrampur Telta
O.P. Dist-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazher Alam, Adv

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 506, 498A and 34 of the Indian Penal Code and Sections 3
and 4 of Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that
OP No. 2 has refused to accept the notice as would manifest
from the office report dated 28-2-2024.

4. In view of the submissions made by the learned
counsel for the petitioner and considering the office report dated
28-2-2024, the notice is deemed to have been validly served.



5. The learned counsel for the petitioner submits that OP No. 2, despite receiving notice, chooses not to appear and contest when the petitioner is willing to keep her with honor and dignity, this amply demonstrates that OP No. 2 is not interested in restituting her conjugal life. It is also submitted that the petitioner works as a laborer and earns about Rs. 10,000/- to 12,000/- per month.

6. The Learned APP, Mr. Chandra Bhushan Prasad, opposes the anticipatory bail application and submits that since the petitioner is a laborer, it might be a possibility that OP No. 2 may not be in a financial position to engage a lawyer before the High Court for contesting the case.

7. At this stage, the learned counsel for the petitioner reiterates the submission and submits that he is willing to keep the OP No. 2 with honor and dignity and also submits that the petitioner, in order to establish his bonafide, is willing to pay a monthly maintenance of Rs. 3,000/- to the OP No. 2, which shall commence from 1-4-2024.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Balrampur P.S. Case No. 42 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that OP No. 2 shall be at liberty to file an application before this court seeking cancellation of the anticipatory bail granted to the petitioner, in the event if the petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

(Satyavrat Verma, J)

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