

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71167 of 2023

Arising Out of PS. Case No.-436 Year-2021 Thana- GARKHA District- Saran

Panna Lal Rai @ Pana Lal Rai Son Of Bishwanath Rai R/O Village- Rampur
Jharu Tola, P.S.- Garkha, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar Patna
2. Rajni Devi W/O Panna Lal Rai @ Pana Lal Rai, D/O Mohan Lal Yadav R/O
Village- Sadhpur, P.S.- Garkha, Dist.- Saran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The accused/petitioner, named in the F.I.R. is apprehending his arrest in connection with Garkha P.S. Case No. 436 of 2021 registered for the offences punishable under Section 498-A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act. The petitioner has got no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to commit cruelty against O.P. No. 2/wife and demanded dowry.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife with full honour and dignity.



Learned counsel submits that petitioner has been falsely implicated with present case as allegation regarding cruelty and dowry demand is general and omnibus and, moreover, as a good gesture he is ready to pay Rs. 3,000/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before learned Trial Court.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 3,000/- to O.P. No. 2/wife, accordingly, the accused/petitioner above named, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Chapra, in connection with Garkha P.S. Case No. 436 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 3,000/- as an ad-interim maintenance amount to O.P. No.



2/wife on or before 7th day of English calendar month. Payment for the month of February be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of March onwards be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner on his expenditure, if any.

(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

(iii) Aforesaid conditions shall remain operational till finding of Family Court. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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