

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76159 of 2023

Arising Out of PS. Case No.-3355 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

=====

RAKESH KUMAR BHARTI S/O VIJAY PRASAD @ DR. VIJAY PRASAD
R/O D.B. ROAD, WARD NO. 10, DEGI HOMEIO HALL, P.S. - SAHARSA
SADAR, DIST - SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar
2. KHUSBOO KUMARI W/O RAKESH KUMAR BHARTI, D/O VIJAY PRASAD SAH R/O D.B. ROAD, P.S. - SAHARSA SADAR, DIST - SAHARSA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 3355/2022 instituted under Sections 498(A), 323, 379, 376, 511, 120B of the Indian Penal Code filed on 22.10.2022 by the complainant, Khusboo Kumari.

3. Earlier, a coordinate bench had sent the matter to the Mediation Center on 30.11.2023 but as per the report dated 28.2.2024, the Mediation failed.

4. As per the complaint, the complainant has alleged that her marriage was solemnized with the petitioner on 8.5.2017 and Rs. 21 lakh and other house articles were given.



Later, the husband and his family members started torturing her for demand of Rs. 25 lakh as dowry. Accordingly, the complaint.

5. Learned counsel for the petitioner submits that Divorce Case No. 41 of 2022 is pending before the learned Principal Judge, Family Court, Saharsa in which the other side preferred Maintenance Case No. 285 of 2022 and on 13.3.2024, a sum of Rs. 15000/- has been fixed which he will be paying by 22.03.2024 and from the month of April, 2024, he will be paying the aforesaid amount every month by 10th of the said month failing which the informant shall be free to take appropriate steps for the cancellation of the bail granted to him, if the same is allowed. In case of default, the lady shall be free to move cancellation of bail.

6. Learned counsel for the informant submits that he do not have information about the said order dated 13.3.2024.

7. In that view of the matter since the Divorce Case is pending and an order has also been passed in Maintenance Case No. 285 of 2022, a case is against the petitioner, he will have to face the music, for the purpose of grant of anticipatory bail, this Court deems it appropriate to grant him the said relief which shall be subject to the confirmation by the concerned Court and shall be duty bound to check whether the information given by



the learned counsel for the petitioner that Rs.15,000/- has been granted vide an order dated 13.3.2024 is a correct version or not. If the said statement is false, the order shall cease to have its effect. Further, the surrender cum/bail petition must accompanying receipt showing payment of Rs.15,000/-

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Complaint Case No. 3355/2022 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member 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 bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iv) 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;

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

9. It is made clear that before surrender along with surrender cum bail, the petitioner must attach the document in support of the payment made to the informant for the month of March, 2024.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

