

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73221 of 2023

Arising Out of PS. Case No.-1512 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Binod Shankar Pandey @ Lala Pandey, S/O Shiv Govind Pandey, R/O
Village- Gopalpur, P.S- Sahpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gaytri Devi W/O Binod Shankar Pandey @ Lala Pandey R/O Village-
Gopalpur, P.S- Sahpur, Distt.- Bhojpur At Present C/O Bal Bhadra Mishra
Resident Of Village- Karnamepur, P.S- Sahpur, Distt.- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the O.P. No. 2	:	Mr. Om Prakash Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-10-2024 Heard Mr. Ajay Kumar Singh, learned counsel for

the petitioner, Mr. Khurshid Anwar, learned APP for the State

and Mr. Om Prakash Pandey, learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in

connection with Bhojpur Complaint Case No. 1512C of 2022

registered for the offences punishable under Sections 498(A)

and 379 of the Indian Penal Code and Sections 3 and 4 of the

Dowry Prohibition Act.

3. The main submissions advanced by learned

counsel for the petitioner are that the marriage of the petitioner

with the O.P. No. 2 took place in the year 2015 and the



complaint was filed by O.P. No. 2 in the year 2022 and all the allegations made by O.P. No. 2 are false and the petitioner is still ready to keep his wife (O.P. No. 2) with full dignity and the allegation of adultery made by O.P. No. 2 against the petitioner is completely unbelievable and absurd, however, the petitioner is ready to pay Rs. 4,000/- to his wife for her maintenance if she chooses to live separate from him.

4. On the other hand, learned counsel for the O.P. No. 2 submits that the petitioner mentally and physically tortured the complainant (O.P. No. 2) and he has developed an illicit relationship with the wife of his brother and he is neglecting his wife, however, she is ready to receive the interim maintenance amount of Rs. 4,000/- which has been proposed by the petitioner but the same will be subject of the order of any competent court which will decide the issue of maintenance.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the fact that there is no any medical evidence regarding the alleged physical cruelty, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bhojpur Complaint Case No. 1512C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., **on further condition** that the petitioner shall pay Rs. 4,000/- per month to his wife (O.P. No. 2) in the trial court till O.P. No. 2 resides separately from the petitioner or till any adverse order is passed against the O.P. No. 2 by a competent court regarding the maintenance claim of the O.P. No. 2 and the said amount shall be subject to any order which will be passed by the competent court where the issue of maintenance will be decided and the amount which is to be paid by the petitioner under this order before the trial court shall be adjusted in the amount if the same is granted to the O.P. No. 2 in the maintenance case if she prefers the same.

6. If the petitioner fails to pay aforesaid Rs. 4,000/- per month to O.P. No. 2 continuously for two months then the learned trial court shall take steps to take the petitioner in custody after cancelling his bail bond.

(Shailendra Singh, J)

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