

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77254 of 2023

Arising Out of PS. Case No.-405 Year-2023 Thana- BARHARA District- Bhojpur

MANISH KUMAR PANDEY S/O LATE SARVESHVAR PANDEY R/O
VILLAGE- BADKA LAWHAR, P.O- PHARNA, P.S- BARHARA, DISTT.-
BHOJPUR, BIHAR, PIN- 802311.

... .. Petitioner/s

Versus

1. The State of Bihar
2. KANCHAN KUMARI W/O MANISH KUMAR PANDEY, D/O
DHARMRAJ TIWARI R/O VILLAGE- DHAMWAL, P.S- SAHPUR,
DISTT.- BHOJPUR, BIHAR, PIN- 802165.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Satish Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Rita Verma, APP
For the Informant :	Mr. Piyush Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard Mr. Satish Kumar Pandey, learned counsel for
the petitioner, the State as also Piyush Kumar Pandey
representing the Informant.

2. The petitioner is apprehending his arrest in
connection with Barahara P.S. Case No. 405 of 2023 for the
offence under Section 498A of the I.P.C. and 3/4 of the Dowry
Prohibition Act lodged on 01.07.2023 by the informant, Raj
Kumar Tiwari.

3. As per the prosecution story, the informant alleged
that right from her marriage, she was always tortured for dowry
as the petitioner being a constable wanted a four-wheeler car,



this resulted in the FIR.

4. Learned counsel for the petitioner submits that the lady always quarrel with her in-laws, he having been posted away, an FIR has also been lodged against her which is Annexure-3 to the petition and further as she is legally wedded wife, the petitioner is ready to pay Rs. 15,000/- per month to her, till an order is passed by a competent Civil Court in maintenance case after which this payment be merged with the said order.

5. Learned counsel appearing on behalf of the informant submits that a bare perusal of the content of Annexure-3 would show that the same has been drafted with legal assistance and cannot be put in the category of an FIR. He submits that being a constable, he used his influence to lodge the FIR to dilute the present FIR. He opposes the prayer for grant of anticipatory bail to the petitioner.

6. Taking into account the fact although there is allegation against the petitioner, considering the fact that he is a constable, putting him in jail may jeopardize his future, on instruction learned counsel for the petitioner has informed that he is ready to pay Rs. 15,000/- per month to her by way of maintenance which shall be merged with any maintenance order



passed by a competent Civil Court and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions that the payment has to be made to the lady within 10th of every month beginning April, 2024. So far as the payment of March, 2024 is concerned, considering that the festival of 'Holi' is in the last week of March, the petitioner undertakes to clear it by 23rd of March, 2024 and the receipt should be part of the surrender-cum-bail application.

7. In case of default even for a month, the lady will be free to file a proper application for the cancellation of his bail bond.

8. 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) each with two sureties of like amount each to the satisfaction of learned CJM, Bhojpur, Ara in connection with Barahara P.S. Case No. 405 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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 his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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