

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76022 of 2023

Arising Out of PS. Case No.-1695 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

ABHIJEET DHARKAR SON OF LATE BECHAN DHARKAR RESIDENT
OF VILLAGE- MIRZAPUR, P.S.-SIMRAHA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. CHAND DEVI D/O SRI SHANKAR DHARKAR RESIDENT OF VIL-
LAGE- SARRA, GARHBANAILI, P.S.- KASBA, DISTRICT- PURNEA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-03-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1695 of 2022 dated 22.08.2022 registered for the offence punishable under Sections 323 / 498A of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case marriage of the complainant was solemnized with the petitioner on 13.04.2013 according to Hindu rites and customs and from the wedlock one child was born to them. However, the petitioner started abusing the complainant regarding her looks and demanded more dowry. It is alleged that the petitioner has performed second marriage after ousting the complainant from her matrimonial home.



4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He next submits that the petitioner has never made any demand for dowry either in kind or cash. He further submits that the petitioner is a poor Auto driver and the complainant herself deserted the petitioner and went to her parental home. The allegation of performing second marriage is totally false and the petitioner is ready to keep his wife / Opposite Party No. 2 with full honour and dignity. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the matrimonial / maintenance case, if any, decided between the parties.

5. Learned counsel for the complainant -Opposite Party No. 2 accepts the offer so made by learned counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the complainant / Opposite Party No. 2 details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.



6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his arrest / 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. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea / concerned court in connection with Complaint Case No. 1695 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 3,000/- per month in the bank account of Opposite Party No. 2 positively by the 7th day of every month starting from the month of April, 2024.

(Anil Kumar Sinha, J)

praful/-

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

