

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77080 of 2023

Arising Out of PS. Case No.-2278 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

RAJU KUMAR S/O RAJENDRA DAS RESIDENT OF MINAPUR, PS.
TOWN, DIST. VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PRIYA KUMARI W/O RAJU KUMAR VILLAGE- MINAPUR, PS.
TOWN HAJIPUR, DIST. VAISHALI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 19-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 2278 of 2022 for the offence under Sections 498(A) of the I.P.C. and under Section 3/4 of the Dowry Prohibition Act, lodged on 28.03.2022 by the informant, Priya Kumari.

3. As per the prosecution story, the complainant, the wife of the petitioner alleged that in the year 2016, she got married to him but was always tortured for dowry. The said torture continued after the couple was blessed with a female child in the year 2018 when she was forced to move to her parent's home. Though the Meenapur Police Station upon complaint got her back to the in-laws house, within four days, she was kicked out. Accordingly, the complaint.

4. Learned counsel for the petitioner submits that he



wants to keep his wife with full dignity and honour and as the daughter has turned five, he also wants to take her to good school so that she pursue her study. The last submission on instruction is that till the lady returns to his home, he is ready to pay Rs. 10,000/- to his wife Priya Kumari as also Rs. 5,000/- to his daughter, Meethi Kumari (totaling Rs. 15,000/-) per month which shall be paid in her bank account (details of which be provided by the learned counsel for the informant) by tenth of every month, till an order is passed by a competent Civil Court in maintenance case after which this payment may merge with the said order. His further submission on instruction is that since the festival of 'Holi' is coming, for the month of March, he will be clearing Rs. 15,000/- by 23rd of March, 2024 itself.

5. Learned counsel for the informant submits that contrary to undertaking that he is making, the fact remains that subsequently, he has solemnized marriage and that is the reason why he has chosen his words carefully in paragraph-12 of the petition and instead of straightaway writing that he wants to keep his wife, he has used the word that he is ready to fulfill his pious obligation to maintain his wife.

6. Though if the allegation of second marriage is true, the same is grave, in the present petition for grant of



anticipatory bail, the case is under Section 498(A) of the IPC, the petitioner according to the learned counsel is a businessman, putting him in jail will serve no purpose, particularly when on instruction, it has been undertaken that till the lady returns to her in-laws house, he is ready to pay Rs. 15,000/- towards maintenance to his wife, Priya Kumari and the daughter, Meethi Kumari, this Court is inclined to extend him privilege of anticipatory bail subject to regular payments and this payment shall merge with any order passed by a competent Court in maintenance case.

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. The receipt showing payment of March 2024 shall be submitted alongwith the surrender-cum-bail application.

9. 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 Chief Judicial Magistrate, Patna Sadar, Patna in connection with Complaint Case No. 2278 of 2022 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.

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

(Rajiv Roy, J)

Adnan/-

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

