

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79238 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Ashok Mandal @ Baudhe Mandal @ Ashok Kumar Mandal, Son of Banarsi Madal, Resident of Village-Jhakrahi Barahi, Police Station-Phulparas, District- Madhubani (Bihar).

... .. Petitioner

Versus

1. The State of Bihar
2. Risha Devi, Wife of Ashok Mandal @ Baudhe Mandal @ Ashok Kumar Mandal, Resident of Village-Jhakrahi Barahi, Police Station-Phulparas, District- Madhubani (Bihar).

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State duly assisted by learned counsel for the complainant/opposite party no.2.

2. The accused/petitioner is named in the complaint and apprehending his arrest in connection with CR. Case No.179 of 2021 in which cognizance has been taken for the offences punishable under Sections 494 and 498-A read with 34 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to assault and abuse the complainant with his family members for demand of dowry as raised for cash of Rs.1 lakh and a Hero Splender



motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is desirous to lead his conjugal life with O.P. No. 2/wife with full honour and dignity. Learned counsel submits that petitioner has been falsely implicated with present case. The allegation regarding dowry demand and cruelty appears general and omnibus and, moreover, as a good gesture, petitioner is ready to pay Rs. 3000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife without fail before 7th day of every english calendar month, till disposal of the present case before learned Trial Court.

5. Learned A.P.P. for the State duly assisted by learned counsel for the complainant/opposite party no.2 opposes the prayer for anticipatory bail of the petitioner.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact that the allegation regarding dowry demand and cruelty appears general and omnibus against the petitioner and as the petitioner is ready to pay *ad-interim* maintenance amount of Rs.3,000/- to opposite party no.2/wife, accordingly, the petitioner, above named, in the event of his arrest or surrender before the court within a period of four weeks, is directed to be released on bail on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with C.R. Case No.179 of 2021 corresponding to T.R. No.878 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) Petitioner shall pay Rs. 3,000/- as an *ad-interim* maintenance amount to O.P. No. 2/wife on or before 7th day of English calendar month. Payment for the month of **March** be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of **April** onwards be paid through bank account of O.P. No. 2/wife, if not available, same be opened by petitioner on his expenditure, if any.

(ii) If petitioner fails to pay *ad-interim* maintenance for two consecutive months, the bail bond of petitioner shall be cancelled by the learned Trial Court, itself, if pressed by O.P. No. 2/wife.

(iii) Aforesaid conditions shall remain operational till finding of Family Court. Amount paid shall be adjusted accordingly.

(Chandra Shekhar Jha, J.)

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