

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79861 of 2023

Arising Out of PS. Case No.-387 Year-2018 Thana- COMPLAINT CASE District- Lakhisarai

Pankaj Kumar Son of Shri Kapil Dev Prasad Village Sarilchak, P.S Nalanda,
District Nalanda

... .. Petitioner/S

Versus

1. The State of Bihar
2. Priyanka Kumari W/O Pankaj Kumar, D/O Raja Mahto R/O Mahesh Leta,
P.S Chanan, District Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Rishi, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with

Complaint Case No. 387 of 2018 in which cognizance

has been taken for the offences punishable under

Sections 341, 323, 147, 148 and 498 A of the Indian

Penal Code, 1860 and Sections 3 and 4 of the Dowry

Prohibition Act, 1961.

3. The allegation against this petitioner is to



commit physical and mental cruelty upon O.P. No. 2/wife alongwith other co-accused persons/family members due to non fulfillment of demand of dowry as raised for cash of Rs. 1 Lakh and bullet motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that allegation *qua* physical assault and mental cruelty is appearing very much general and omnibus against petitioner and implication only appears being husband out of normal matrimonial discord arises out of daily and domestic affairs. It is submitted that petitioner, being husband is regularly paying Rs. 2,000/- per month to O.P. No.2/wife as ad-interim maintenance.

5. Learned APP appearing for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer of bail submitted that maintenance amount of Rs. 2,000/- is not sufficient as same was granted in year 2019 itself and it is to be increased substantially.

6. Taking note of submission, as raised by



learned counsel for the informant, it is submitted by learned counsel for the petitioner that if O.P. No. 2 is not satisfied with ad-interim maintenance as directed by learned Family Court, O.P. No. 2 may approach learned trial court itself for its enhancement in accordance with law.

7. Considering the aforesaid factual submissions and by taking note of fact as allegation *qua* cruelty is appearing very much general and omnibus, where petitioner being husband is regularly paying Rs. 2,000/- to O.P. No. 2, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Lakhisarai/concerned Court, where the case is pending in connection with Complaint Case No. 387 of 2018, subject to the



conditions as laid down under Section 438(2) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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