

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47810 of 2024

Arising Out of PS. Case No.-197 Year-2022 Thana- GARKHA District- Saran

ABHIMANYU KUMAR SINGH @ ABHIMANYU KUMAR @
ABHIMANYU SINGH S/O- SRI PARMATMA SINGH RESIDENT OF
VILLAGE- RAMPUR BIRBHAN, P.S- GARKHA, DISTT.- SARAN AT
CHHAPRA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. KHUSHI SINGH W/O SRI ABHIMANYU KUMAR SINGH @
ABHIMANYU KUMAR @ ABHIMANYU SINGH, D/O LATE
DEVENDRA SINGH PRESENTLY LIVING AT VILLAGE- CHAK
BAIRIYA, P.S- GOPALPUR, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surya Narain Yadav, Sr. Adv. Mr. Yashraj Bardhan, Adv.
For the State	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Dharmendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 07-02-2025 Heard Mr. Surya Narain Yadav, learned Counsel for

the petitioner, Mr. Dharmendra Kumar Singh, learned Counsel
appearing for the informant and Mr. Jitendra Kumar Singh,
learned APP.

2. The petitioner apprehends his arrest in connection
with Garkha P.S. Case No. 197 of 2022 for the offence
registered under sections 498A, 341, 323/34 of the IPC and
Section 3/4 of Dowry Prohibition Act lodged on 08.04.2022 by
the informant Khushi Singh.

3. As per the prosecution story, the informant alleged
that she was married to the petitioner for couple of years but



was tortured for dowry and finally on 06.04.2022, she was ousted from the house. As she was assaulted, was shifted to Government Hospital and later to Patna.

4. In this case, this Court took efforts to see to it that the couple lives happily but the behavior of the husband which can be reflected from paragraph 3 showing his criminal antecedent came in the way of amicable settlement. In between, the learned counsel for the petitioner also took effort and the parties sat in his chamber but according to them, still the result remained the same.

5. On instruction from the petitioner who is present in the Court, learned counsel submits that for the present, he will be paying an amount of Rs. 5,000/- by way of demand draft addressed to the lady (Khushi Singh). Till she provides the bank account number whereafter, directly the amount (Rs. 5,000/-) shall be sent to her every month by tenth of that month.

6. Learned Counsel for the informant submits that she will be taking proper steps by filing appropriate petition before the Court concerned for the restitution of conjugal rights/maintenance in next six months. In case, an order is passed relating to her maintenance, the amount that has come in this order shall merge with the final order passed by the Court



concerned. In case, the amount is lower than what has been recorded in this order, there shall not be any deduction from the amount that is to be paid by the petitioner.

7. Till any order comes on the petition filed by either of the parties, this Court has to record that the lady is wife of the petitioner and has all the powers in the world to take decision if she wants to continue with her marital status instead of keeping the case pending. Further, as the petitioner has decided to make payment, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- to Khushi Singh every month as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India. Till she provides the bank account number whereafter, directly the amount (Rs. 5,000/-) shall be sent to her every month by tenth of that month.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Saran at Chhapra in connection with Garkha P.S. Case No. 197 of 2022 subject to condition as laid



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

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 the bail bonds.

9. In case, the petitioner defaults in making the payment of Rs. 5,000/- by tenth of any month, the lady will have the right to take steps for the cancellation of his bail bond.

(Rajiv Roy, J)

Vijay Singh/-

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

