

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58085 of 2024

Arising Out of PS. Case No.-2052 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

=====

Manoj Kumar S/o Kameshwar Prasad R/o Mohalla - Vishram Nagar,
Dharahara, Ara, P.S. - Ara Town, distt.- Bhojpur, at Present Resident of
Mohalla -Badlapur ,East Katrap, P.S. -Thane , Mumbai , Maharashtra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archna Kumari W/o Manoj Kumar, D/o Baban Prasad At present Residing
in Vill - Jalpura (Tapa), P.S. - Chandi, Distt. - Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 28-03-2025 In pursuance to the earlier order dated 27.03.2025,

petitioner along with his learned lawyer appeared in Chambers

proceeding. However, opposite party no. 2 did not appear.

2. Heard the parties.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2052 of 2022 for the
offence under Sections 498A/34 of the Indian Penal Code.

4. It is a case of matrimonial dispute between the
parties. Petitioner is the husband of opposite party no. 2
(complainant). Allegation against the petitioner and his family
members is of torturing, assaulting and ousting the complainant
from her matrimonial house due to non-fulfillment of dowry



demand.

5. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence and has been falsely implicated in this case. Petitioner is the husband of opposite party no. 2 and is employed and working as Assistant Station Master in the Indian Railway since 2015 and is presently posted at Badlapur, Maharashtra. He further submits that behaviour of opposite party no. 2 is not up to the marks and she (complainant) always used to quarrel with the parents of petitioner. Petitioner has filed a Matrimonial Case No. 432 of 2023 before the court of Principal Judge, Family Court, Bhojpur at Ara for restitution of conjugal rights. A panchayati was also held on 16.08.2022 by the family members of petitioner but the parents of opposite party no. 2 refused to send the opposite party no. 2 to her matrimonial house.

6. Learned Additional Public Prosecutor opposes the prayer of anticipatory bail.

7. During course of argument learned counsel for the petitioner submits that petitioner is still ready to keep his wife (complainant) along with her minor child with full honour and dignity. But, opposite party no. 2 did not chose to appear today and yesterday also in chamber proceeding. He further submits



that petitioner is ready to pay Rs. 7,000/- (seven thousand) per month as maintenance for his wife and minor child to show his bona-fide conduct. The above amount of maintenance will be adjusted in any future allowances awarded by any competent Court. Two months advance amount will be paid at the time of filing bail bond. Regarding the payment of aforesaid amount, petitioner will give an undertaking in the Court below at the time of filing bail bond.

8. Keeping in view the aforesaid facts, let the petitioner be enlarged on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt/production 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 Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 2052 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

prabhakar/-

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

