

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74427 of 2024

Arising Out of PS. Case No.-440 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Avinash Kumar Singh S/O Vijay Kumar Singh R/O Badi Khagaul Devi
Asthan Danapur, P.S- Danapur, Distt.- Patna at Present Residing at Flat No. 1,
Ocean Pearl Apartment, 4th Cross Road, Nanja Reddy Colony, BDA Layout,
Murgeshpallya, P.S- Jivan Bima Nagar, Distt.- Bengluru, State- Karnataka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Kumar W/O Avinash Kumar Singh, D/O Sikandar Singh R/O
Village/Ward No. 12, Shanti Nagar, Bikramganj, P.S- Bikramganj, Distt.-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shantanu Kumar
For the Opposite Party/s : Mr. Md. Mushtaque Alam

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-04-2025 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the complainant.

2. The petitioner is apprehending his arrest in a case

registered for the offence punishable under Section 498A of the

Indian Penal Code and Section 3/4 of the Dowry Prohibition

Act. The petitioner is the husband of the complainant.

3. A perusal of the complaint case filed by the

opposite party no. 2 would show that there is allegation of

demand of dowry of Rs. 5,00,000/- and torture inflicted upon

her on non-fulfillment of the same.

4. Learned counsel for the petitioner submits that the



allegations levelled in the complaint are totally incorrect and on the contrary, it is the opposite party no. 2 herself who has ill treated her husband and voluntarily left the house with all her belongings. The petitioner being totally disappointed with the behavior of his wife, was compelled to file matrimonial case for divorce under the Hindu Marriage Act on 05.06.2023 bearing Matrimonial Case No. 3400 of 2023. It has been further submitted that it is only after the petitioner filed the divorce case, the present complaint came to be filed on 19.06.2023 as a counter blast of the said case.

5. Learned APP for the State and learned counsel for the complainant vehemently oppose the prayer for anticipatory bail to the petitioner by stating that the allegations made in the complaint petition are true and also stating that the complainant although was working as office assistant in a company prior to the marriage, it was the petitioner who did not allow her to continue with the job, therefore, she is now unemployed.

6. At this stage, learned counsel for the petitioner makes an offer to pay a sum of Rs. 5000/- per month to the complaint.

7. Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes



to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

8. It has been submitted, at this stage, that an order for grant of maintenance has also been allowed which is subject matter of challenge before the Hon’ble High Court due to which till date no payment has been made to the informant. Thus, the petitioner would continue to make payment of Rs. 5,000/- till final adjudication of the maintenance case and till he starts making payment in support of the maintenance case.

9. Taking into the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 court below where the case is pending/successor court in connection with Complaint Case No. 440 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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