

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7809 of 2023**

Arising Out of PS. Case No.-87 Year-2021 Thana- MAHILA PS District- Darbhanga

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KRISHNA KUMAR SON OF SHATRUGHAN SAH R/O MOHALLA-  
BAKARGANJ, SAIDNAGAR ABHANDA, P.S.- LAHARISARAI,  
DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nawal Kishore Prasad  
For the Opposite Party/s : Mr. Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      03-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of  
Mahila Police Station Case No. 87 of 2021 dated 18.08.2021,  
disclosing offences under Sections 498-A/323/504/506/379/34  
of the Indian Penal Code and Section 3/4 Dowry Prohibition  
Act.

The prosecution story, on the basis of First  
Information Report, is that the petitioner got married to the  
informant on 23.01.2019 and one child was born out of the  
wedlock. It has been alleged that the petitioner along with other  
accused persons demanded dowry from the informant and her  
family members by way of cash and LED TV, and due to non-



fulfillment of the demand, the informant was assaulted and tortured physically and mentally.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to some dispute regarding non-curable disease of the informant and the doctor has advised that she is not fit for serving conjugal life.

He next submits that matrimonial case for maintenance under Section 125 has been filed by the informant against the petitioner before the Principal Judge, Family Court, Darbhanga and Domestic Violence Case bearing no. 02 of 2022 has also been filed against him.

In domestic violence case, interim maintenance of Rs. 3000/- per months has been awarded against the petitioner, which the petitioner has been paying to the informant.

The petitioner is in custody since 06.12.2022.

On the other side, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that the petitioner may be directed to keep informant as wife with dignity.

Regards being had to the submissions made by the parties and taking into consideration the materials available on record and the fact that the petitioner is in custody since



06.12.2022. The case is triable by Magistrate and by virtue of domestic violence case, the petitioner is paying a sum of Rs. 3000/- per month to the informant, accordingly, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection to the Mahila Police Station Case No. 87 of 2021 dated 18.08.2021, disclosing offences under Sections 498-A/323/504/506/379/34 of the Indian Penal Code and Section 3/4 Dowry Prohibition Act.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Anil Kumar Sinha, J)**

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