

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37821 of 2023**

Arising Out of PS. Case No.-680 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Mukesh Kumar S/O Vishwanath Choudhary R/O Sahuriya Paschimi, ward no.
9, P.O.-Amarpur, P.S.-Bangaon, Dist.-Saharsa

... .. Petitioner

Versus

1. The State Of Bihar
2. Daizy Kumari W/O Mukesh Kumar, Resident of Sahuriya, Saurbazar,
District- Saharsa

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar Jha, Senior Advocate Mr. Siddharth Aditya, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned senior counsel for the petitioner and

learned counsel for the complainant as also learned APP for the

State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 680 of 2021 registered for the offences punishable under Sections 341, 323, 498(A) and 34 of the Indian Penal Code. The petitioner has no criminal antecedent.

3. As per the prosecution story, on 10.10.2010 the complainant was married to the petitioner and during the marriage, a sum of Rs.1,50,000/- and Rs.6,00,000/- was spent by the father of the complainant along with other jewelry and precious items worth Rs.5,00,000. The complainant had one



daughter and one son out of the said wedlock. The petitioner's family also started demanding Rs.3,00,000/- from the complainant's family and for that they used to abuse and harass her.

4. At the outset, learned counsel for the complainant submits that in the given circumstance where she has been subjected to cruelty by her husband and his family members, she feels threatened and it would not be possible for her to stay with the petitioner. She has also got one son and one daughter from the wedlock who are living with her.

5. Learned counsel for the complainant further submits that the complainant and her son are being neglected as the petitioner is not even paying the minimum sustenance allowance to the complainant and her son.

6. Learned senior counsel for the petitioner has at this stage submitted that to show his bonafides, the petitioner is ready to pay a sum of Rs.5,000/- per month for the present subject to result of an appropriate proceeding, if any, in connection with the maintenance of the complainant and her son and such amount shall be deposited every month in her bank account within first ten days.

7. Learned counsel for the complainant has, in such



circumstance, no objection to grant of pre-arrest bail to the petitioner.

8. Having regard to the facts and circumstances of the case and the stand taken on behalf of the parties, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Complaint Case No. 680 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. And further condition that in terms of his own offer, he will pay a sum of Rs.5,000/- per month during first ten days of every month in the bank account of the complainant



subject to order of any competent court in an appropriate proceeding. Breach of this condition shall invite action towards cancellation of bail bond of the petitioner.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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