

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44495 of 2022**

Arising Out of PS. Case No.-78 Year-2021 Thana- MAHILA PS District- Darbhanga

MURARI KUMAR YADAV Son of Shyamanand Yadav Resident of Village -  
Sihol, P.S.- Biraul, Distt. - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari D/O Raj Kumar Mahto W/o Murari Kumar Yadav  
Resident of Village - Singhiya, PO - Singhiya, P.S. - Singhiya, Distt.-  
Samastipur.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

8      03-07-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 498(A), 379 and 323/34  
of the Indian Penal Code as well as Sections 3 and 4 of the Dowry  
Prohibition Act.

In compliance of the order dated 22.06.2023 both the  
petitioner and the informant are physically present in the Court.

Learned counsel for the petitioner submits that  
petitioner has been falsely implicated in the present case being the  
husband of the informant. It is further submitted that marriage was  
a love marriage and both the petitioner and the informant fled  
away from their home. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that the allegation of demand of dowry is general and omnibus in nature and even allegation of torture is not specific.

Learned counsel for the informant submits that no doubt the marriage was a love marriage but then after marriage the petitioner and his family members started torturing the informant for dowry realizing that she does not have support of her parents. It is further submitted that a case under the Domestic Violence Act was also instituted by the informant in which the learned court below had directed the petitioner to pay a monthly maintenance of Rs.4,500/- per month but then the same has also till date not been paid and the arrears now amounts to about Rs.70,000/-.

Learned counsel for the petitioner submits that no doubt the learned DV Court has fixed the maintenance of Rs.4,500/- per month but then the petitioner is exploring the possibility of availing his remedy available in law. It is further submitted that the matter was referred for mediation in which before the learned Mediator the informant had agreed for one time settlement and accordingly Rs.12,50,000/- was fixed by the learned Mediator with consent of the parties for payment within six months.

The informant, who is present in the Court, rebuts the submission of the learned counsel for the petitioner and submits that she had demanded Rs.20 lakhs by way of one time settlement



which also included her jewellery of Rs.6 lakhs. It is further submitted that no doubt the informant is a Law Graduate but then her entire study was through Hindi medium as such she did not comprehend completely what had come in the report of the learned Mediator. It is next submitted that the report of the learned Mediator does even remotely whisper about the jewellery which the informant was claiming.

It appears that the dispute between the parties is irreconcilable and the conduct of the petitioner in not paying the maintenance as fixed by the DV Court further casts an aspersion on his character, as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Darbhanga Mahila Thana P.S. Case No. 78 of 2021 pending in the Court of learned Judicial Magistrate, Darbhanga/successor Court.

**(Satyavrat Verma, J)**

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