

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14602 of 2024

Arising Out of PS. Case No.-1799 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Rahul Raj, Son of Shri Dharmendra Kumar, Resident of Kanhauli Naka Road,
Near Bangla Mukhi Mandir, Nakulwa Chak, Police Station- Mithanpura,
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Namita Priyam, D/o Late Madan Mohan Prasad, w/o Rahul Raj, Resident of
Kanhali Naka Road, Near Bangla Mukhi Mandir, Nakulwa Chak, Police
Station- Mithanpura, District- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vivekanand Singh, Advocate
For the State	:	Mr.Sanjay Kumar Sharma, APP
For the O.P. No. 2	:	Mr. Dwij Raj, Advocate
		Mr. Ishan Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-12-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

02. In the present case, the petitioner is apprehending

his arrest in connection with Complaint Case No. 1799 of 2022

registered for the alleged offences under Section 323, 307,

498A/34 of the Indian Penal Code and Section 3/4 of Dowry

Prohibition Act, but cognizance has been taken under Sections

323, 498A, 504/34 IPC.

03. As per prosecution case, the petitioner is the



husband of the complainant and there is allegation of demanding a car in dowry and consequent torture on account of non-fulfillment of this demand.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never tortured or treated the complainant with cruelty. The petitioner is ready to take back his wife and daughter and would like to keep them with honour and dignity. The learned counsel further submits that the petitioner is ready and willing to make payment of Rs. 5,000/- per month to the opposite party no. 2 and his daughter towards their maintenance till disposal of the present case.

05. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner has no intention of keeping his wife and daughter and has been making false averment on this count.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation, relationship of the parties and also considering the undertaking of the petitioner, let the petitioner



above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur (East), in connection with Complaint Case No. 1799 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) The petitioner would make payment of Rs. 5,000/- per month on or before 15th day of each month till disposal of Complaint Case No. 1799 of 2022.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.



07. However, it is made clear that payment of this amount will be subject to adjustment pursuant to further orders made by any competent court with regard to maintenance to the opposite party no. 2.

V.K.Pandey/-

(Arun Kumar Jha, J)

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