

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55535 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- MAHILA PS District- Darbhanga

Chhote Kumar @ Chhote Das son of Rama Das Village- Shishodih PS- Sadar
Mabbi OP, Dist- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar
2. Nitu Kumari wife of Chhote Kumar @ Chhote Das D/o- Radhe Kahar
Village- Sinuara Ps- Bahadurpur Dist- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the OP No. 2	:	Ms. Seema Ghazala, Adv. Mr. Upendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the opposite
party no. 2.

02. It has been submitted on behalf of opposite party
no. 2 that though the matter was referred for mediation, the
petitioner appeared only once and thereafter never appeared for
mediation on the date fixed. Learned counsel further submits
that opposite party no. 2 wants to stay with the petitioner but he
is not willing to take her back. Learned counsel further submits
that the opposite party no. 2 attended each and every date before
the mediation center and spent a lot of money on travelling from
Darbhanga to Patna.



03. In the present case, the petitioner is apprehending his arrest in connection with Darbhanga Mahila P.S. Case No. 05 of 20204, registered for the alleged offence under Sections 498(A), 323, 506/34 of the Indian Penal Code.

04. As per prosecution case, the allegation against the petitioner, who is husband of the opposite party no. 2, is that of regularly assaulting the informant/opposite party no. 2 and trying to set her on fire. Further allegation against the petitioner and co-accused persons is that of demanding Rs. 2,00,000/- as dowry from the opposite party no.2.

05. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner never demanded any dowry nor tortured the informant on this account. Rather the petitioner made several efforts to persuade the opposite party no. 2 to stay with him but was unsuccessful. Petitioner has also filed Matrimonial Case No. 49 of 2024 before the Family Court, Darbhanga under Section 9 of the Hindu Marriage Act, for restitution of conjugal right. Learned counsel further submits that there is a daughter out of their wedlock and the petitioner in order to meet the expenses of the informant and her daughter undertakes to make payment of Rs. 5,000/- per month to the informant till the



disposal of Darbhanga Mahila P.S. Case No. 05 of 2024.

06. Learned A.P.P. for the State as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the prayer for anticipatory bail. Learned counsel for the opposite party no. 2 submits that there is specific allegation against the petitioner for assaulting the informant and demanding Rs. 2,00,000/- as dowry.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute of the parties and also the nature of allegation and the undertaking given by 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) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga in connection with Darbhanga Mahila P.S. Case No. 05 of 2024, 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 Darbhanga Mahila
P.S. Case No. 05 of 2024.

(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.

08. However, it is made clear that 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.

(Arun Kumar Jha, J)

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