

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67604 of 2024

Arising Out of PS. Case No.-331 Year-2023 Thana- VISHNUPAD District- Gaya

Dharmendra Kumar S/O Late Karu Yadav R/O Mohalla- Maranpur, P.S-
Vishnupad, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikki Kumari W/O Dharmendra Kumar, D/O Jagan Yadav Presently
residing at Village- Mangobigha, P.S- Rampur, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Prasad
For the State	:	Mr.Madhura Nand Jha
For Opposite Party No. 2:	:	Mr. Mrigendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 23-10-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel
for the informant-Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.2. The petitioner apprehends his arrest in connection with
Vishnupad Police Station Case No. 331 of 2023, dated
03.12.2023, registered for the offences punishable under
Sections 498-A/494/34 of the Indian Penal Code.3. The prosecution case, as per the First Information Report,
is that the marriage of the Opposite Party No. 2 was
solemnized with the petitioner in the year 2003 and after
sometime, the petitioner and other family members
started demanding dowry and due to non-fulfillment of |
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the said demand, the petitioner and other family members tortured the Opposite Party No. 2 physically as well as mentally and also ousted the Opposite Party No. 2 from her matrimonial home. It has further been alleged that the petitioner has performed second marriage and out of that wedlock, he has a child. It has further been alleged by the informant that at about 05:30 PM, on 29.11.2023, the petitioner, along with other co-accused persons, assaulted the informant in order to kill her, but the informant anyhow managed to escape from the clutches of the accused persons and informed her parents, who came and took the informant to the hospital for treatment.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that the petitioner has filed M.T.S. No. 301 of 2012 for divorce, which is still pending before the learned Family Court, Gaya. He further submits that no specific allegation has been levelled against the accused persons nor the prosecution has brought on record the injury report of the informant on the record of this case. He further submits that the mother of the informant was



in custody in connection with the present case and when she came out of jail after being released on bail, the informant side committed mar pit with her, for which the mother of the petitioner has lodged Rampur Police Station Case No. 127 of 2024. He further submits that the informant has earlier lodged Complaint Case No. 1226 of 2008 against the petitioner and others, in which the petitioner has been convicted for a term of two years. The father of the informant also lodged Complaint Case No. 358 of 2010, which was referred to the police for registration of case an investigation, whereafter Civil Lines Police Station Cased No. 192 of 2010 was lodged, giving rise to Sessions Trial No. 358 of 2017, in which the petitioner has been convicted for a term of ten years and the petitioner, after completing half of the sentence in custody, has been released on bail and thereafter the informant has filed this second complaint case against the petitioner and others. He next submits that the petitioner has remained in judicial custody for a period of six years in both the cases filed by the informant and her father.

5. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the



family, the petitioner is ready and willing to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending and/or decided between the parties.

6. Learned Counsel for the informant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the informant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within fifteen days from today.
7. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a



period of six weeks from today, be released on bail, upon 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, Gaya, in connection with Vishnupad Police Station Case No. 331 of 2023.

10. This is subject to the condition that the petitioner shall deposit a sum of Rs. 3,000/- per month in the bank account of Opposite Party No. 2 positively, starting from 10th December, 2024.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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