

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75072 of 2023

Arising Out of PS. Case No.-43 Year-2019 Thana- MAHILA P.S District- West Champaran

Niranjan Kumar Patel @ Niranjan Patel Son of Ramakant Patel Resident of
Village- Basgao Bari Dori, P.S. Pathakauli (O.P.), Dist. West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indarani Devi W/O Niranjan Patel, D/O Dinanath Chaudhary Resident of
Village- Bankatwa, Ward No. 22, P.S. Bagaha, Dist. West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the State	:	Mrs.Pronoti Singh, APP
For O.P. No. 2	:	Mr. Vijay Kumar Singh No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 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/informant.

02. In the present case, the petitioner is apprehending
his arrest in connection with Mahila P.S. Case No. 43 of 2019
registered for the alleged offences under Section 341, 323, 498A
of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

03. As per prosecution case, the petitioner is the
husband of the informant and allegations are that of torturing the
informant and treating her with cruelty on account of non-
fulfillment of demand of dowry.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and there is no allegation of demand of dowry or torture. Learned counsel further submits that earlier the informant has filed Complaint Case No. 990 of 2017 with similar allegation in which cognizance has been taken taken only under Sections 498A and 504 of the Indian Penal code and the allegation of demand of dowry was not found true. Learned counsel further submits that as the informant is the wife of the petitioner and there is girl child out of the marriage, the petitioner, in order to buy peace, undertakes to make payment of Rs. 4,000/- per month to the informant towards their maintenance till disposal of the case before the learned trial court.

05. Learned A.P.P. for the State as well as learned counsel appearing for the opposite party no. 2/informant oppose the submission made on behalf of the petitioner. Learned counsel appearing for the opposite party no. 2/informant submits that the petitioner assaulted and tortured the informant on account of his dowry demand.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute and further 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 Court of learned S.D.J.M., Bagaha, West Champaran in connection with Mahila P.S. Case No. 43 of 2019, 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.4,000/- per month on or before 10th day of each month till disposal of Mahila P.S. Case No. 43 of 2019.
- (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 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)

DKS/-

U		T	
---	--	---	--

