

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83589 of 2023**

Arising Out of PS. Case No.-451 Year-2023 Thana- MOTIHARI TOWN District- East  
Champaran

=====

Saurabh Raj @ Appu, Son of Ramnaresh Thakur, Resident of Village- Sri  
Krishna Nagar, Ward No. 37, P.S- Town Motihari, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smiriti Sneha, Wife of Saurabh Raj, Resident of Village- Sri Krishna Nagar,  
Ward No. 37, P.S- Town Motihari, Distt- East Champaran

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr.Ashok Kumar Singh, Advocate  |
| For the Opposite Party/s | : | Mrs.Veena Kumari Jaiswal, APP   |
| For the O.P.No.2         | : | Mr. Rakesh Kumar No.1, Advocate |

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      21-03-2024                      Heard learned counsel for the petitioner, learned  
  
APP for the State and learned counsel for the opposite party  
  
no.2.

2. In the present case, the petitioner is apprehending  
his arrest in connection with Town P.S. Case No.451 of 2023,  
registered for the alleged offences under Sections 498(A), 354,  
313/34 of the Indian Penal Code and Section 3/4 of Dowry  
Prohibition Act.

3. As per prosecution case, the daughter of the  
informant was married with the petitioner and allegation against  
the petitioner and his family members is that they used to  
physically and mentally torture the daughter of the informant.



They have been demanding a four wheeler vehicle and further allegation against the co-accused persons is that they wanted the daughter of the informant to make sexual relationship with her father-in-law and brother-in-law and finally they ousted the daughter of the informant from their house. It has also been alleged that the petitioner and other co-accused persons aborted the pregnancy of the daughter of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. All the allegations are false and concocted and not believable. The case has been filed on false grounds. The daughter of the informant-opposite party no.2 herein has alleged that she was pregnant and her pregnancy was terminated, but the Investigating Officer of this case has mentioned in his report that no ultrasound was done in that institution. The present FIR has been lodged after the petitioner filed a case for divorce under Section 13 of the Hindu Marriage Act vide Matrimonial Case No.320 of 2023 on 20.06.2023. The learned counsel further submits that the opposite party no.2 suffers from some mental disease and this fact was not disclosed prior to her marriage. The opposite party no.2 used to create a big scene in her matrimonial home and further used to insult the petitioner



and his family members. The learned counsel further submits that the petitioner has also filed a Complaint Case No.1291/2023 before the learned Chief Judicial Magistrate, Motihari against the opposite party no.2 and his family members on 23.05.2023 under Sections 420, 120B, 323, 327, 341 and other sections of the IPC. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the opposite party no.2 vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the opposite party no.2 submits that the opposite party no.2 always wants to stay with the petitioner, but the petitioner on one pretext or other does not want to keep her.

6. Perused the record.

7. From perusal of record, it is apparent that vide order dated 18.01.2024, a Coordinate Bench of this Court referred the matter to the Patna High Court Mediation and Conciliation Centre for exploring the possibility of amicable settlement. A report dated 22.02.2024 has been received from the learned Mediator wherein he has submitted that the dispute between the parties could not be resolved through the process of mediation in spite of his best and sincere efforts.



8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the matter arises out of marital discord and further considering the allegation and counter allegation and pendency of the divorce case, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 5, Motihari, East Champaran/court concerned, in connection with Town P.S. Case No.451 of 2023, subject to conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

