

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10620 of 2023

Arising Out of PS. Case No.-1048 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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BADELAL SAH S/O LATE PRAKASH SAH R/v- Tiwari Matihihiniya,
Post- Sipaya, P.S.- Bishambhar pur, District- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. RAJ MATI DEVI W/O BADELAL SAH D/O NATHU SAH R/O- Tiwari
Matihihiniya, P.S.- Vishambhar pur, District- Gopalganj Presently residence
of village- Baghuch, P.S.- Kuchaikot, Post- Mateya, District- Gopalganj

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

Mr. Chandra Kant, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-03-2025 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Center of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'M').

2. Heard learned counsel for the petitioner, the State and the opposite party no.2.

3. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 323, 498A, 406/120B of the Indian Penal Code.

4. Prosecution case in brief is that opposite party no.2 was married with the petitioner on 12.2.2000. After marriage, this petitioner along with other accused persons started demanding dowry and on non-fulfillment of the same they used



to assault and torture her. Lastly, accused persons ousted opposite party no.2 from her matrimonial house.

5. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner is innocent and has falsely been implicated in this case because he happens to be husband of opposite party no.2. Petitioner is ready to keep her with honour and safety. Besides this, petitioner is ready to give Rs. 3000/-per month to opposite party no.2 by way of temporary relief/solace, starting from this month, subject to any order passed in matrimonial, maintenance or connected proceedings.

6. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that the petitioner, being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty for non-fulfillment of demand of dowry and also ousted her to her parents' house. It is further submitted that she has no means of livelihood and has two children out of the wedlock and she is on the verge of starvation.

7. In view of the undertaking of learned counsel for the petitioner as well as condition of opposite party no.2, in the event of arrest/surrender within a period of eight weeks from today, let the petitioner, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Complaint Case & CIS No. 1048/2021, Enquiry No. 77 of 2021, Tr No. 2122 of 2022, No. 1348 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the



following conditions:-

(i) Opposite party no.2. would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(ii) Petitioner would deposit the aforesaid interim relief per month in the saving bank account of the opposite party no.2.

(iii) In case, petitioner fails to deposit the aforesaid amount of temporary relief/solace for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(iv) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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