

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18304 of 2025

Arising Out of PS. Case No.-661 Year-2023 Thana- COMPLAINT CASE - JHANJHARPUR
District- Madhubani

Prakash Kamat Son of Bhairab Kamat Village -Tamuriya PS- Lakhnaur Dist
-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samira Kumari wife of Prakash Kamat Village -Tamuriya PS- Lakhnaur Dist
-Madhubani P/A- Daughter of Narayan Kamat, Village- Nirmali, ward no. 4,
Ps- Nirmali, Dist- Supual

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Jha
For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-10-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the O.P. No.2.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
498A of the Indian Penal Code and Sections 3 and 4 of the D. P.
Act.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and being husband
has been falsely implicated in the instant case by the O.P. No.2.
It is next submitted that O.P. No.2 in the complaint alleges that
she was married to the petitioner on 18.05.2022 and after



marriage, the accused persons including the petitioner started demanding dowry of Rs.30 lacs and on account of non-fulfillment of dowry demand, the O.P. No.2 was tortured and was finally ousted from her matrimonial home on 30.11.2023. The learned counsel for the petitioner next submits that the relationship in between the petitioner and the O.P. No.2 after marriage deteriorated to an extent where it is not possible to revive the conjugal relationship in the near future, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is also submitted that petitioner was working as a Design Engineer with Jangoo Technologies at Delhi and on account of the instant case, he had to take leave from the organization for attending the court proceeding, as such he was removed from the service as company was not willing to accommodate the petitioner by granting leave for attending the court proceeding. It is further submitted that while petitioner was at Delhi, he filed Divorce Case being H.M.A. No.3861/2023 on 01.12.2023, in the Court of learned Principal Judge, Family Court, South-West, Dwarka. It is submitted that moment the divorce case came to be instituted, the O.P. No.2 filed the instant complaint case on 05.12.2023, in which cognizance was taken. It is next submitted



that O.P. No.2 also filed Transfer Petition (Crl.) No.849/2024 before the Hon'ble Supreme Court for getting H.M.A. No.3861/2023 transferred from the Court of learned Principal Judge, Family Court, South-West, Dwarika to the Court of learned Principal Judge, Family Court, Supaul. It is submitted that petitioner has appeared in H.M.A. Case No.3861/2023. It is next submitted that petitioner after leaving the job at Delhi is presently staying in his native village at Madhubani.

4. It is also submitted that petitioner being husband is aware of his responsibility and till the dispute in between him and the O.P. No.2 does not get resolved, the petitioner is willing to pay a monthly maintenance of Rs.7000/- (Rs. Seven Thousand) to the opposite party no.2, which shall commence from 27.10.2025.

5. The learned counsel appearing on behalf of the opposite party no.2 fairly submits that no doubt the relationship in between the petitioner and the O.P. No.2 has deteriorated to an extent where it does not appear probable that same shall be resolved amicably but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is also submitted that since petitioner is willing to pay a monthly maintenance of Rs.7000/- to the O.P.



No.2, as such, no useful purpose would be served by sending the petitioner to jail. It is also submitted that in the event, if petitioner is sent to judicial custody, chances of future reconciliation will also get marred. It is next submitted that bank account number of the opposite party no.2 shall be whatsapped to the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner, so that the monthly maintenance as agreed commences from the 27.10.2025.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in connection with C.R. No.661/2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the



petitioner does not pay the monthly maintenance as agreed for two consecutive months.

8. It is further made clear that if the Court of competent jurisdiction fixes the maintenance, the present maintenance shall stop.

(Satyavrat Verma, J)

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