

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25255 of 2025

Arising Out of PS. Case No.-684 Year-2024 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Vibhishan Kumar S/o Girdhari Mukhiya R/o Village-Pipra Goriyari Tola,
Ward No. 11, P.S. - Pipra, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonika Kumari D/o Shiv Prasad Sahni, W/o Vibhishan kumar R/o Gullo
Bara Naka No. 4, P.s.- Town, Distt.- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 684 of 2024 instituted under Sections 341, 323, 313, 498(A), 307, 420, 504, 506 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. Pursuant to the last order, the couple is present in the Court. The husband has stated that already Matrimonial Divorce Case has been filed bearing Divorce Case No. 03 of 2024 which is presently pending before the learned Principal Judge, Family Court, Darbhanga.

4. Learned counsel representing the informant submits that she has preferred transfer petition to get the matrimonial



divorce case transferred to Supaul from Darbhanga vide MJC No. 1985 of 2024 which is presently pending.

5. In that background, since both the petitions are pending, the lady is blessed with a female child, residing in her parents' house, in that background, learned counsel for the petitioner submits that Rs.10,000/- shall be paid to the lady as also the child per month to be paid by 10th of every month till an order comes by the Family court, Darbhanga and/or the Court where the case is transferred and this order shall merge with that order.

6. Learned counsel for the informant on the other hand submits that the fact remains that the petitioner has solemnized another marriage and this fact has been suppressed while filing the divorce suit. In the opinion of this Court, the lady is well advised to appear before the Court concerned and file a reply before it is too late.

7. Considering the aforesaid facts and since the divorce suit/transfer case is pending, despite best of persuasion, the husband is not ready to take her back, for the present, he wants to do is to pay Rs. 10,000/- to be paid by 10th of every month in the bank account of Sonika Kumari (**Indian Bank, Darbhanga, bearing A/C. No.6611076610, IFSC Code-**



IDIB000D025.), in that background, this Court is inclined to grant him relief.

8. It is made clear that failure to make the payment by 10th of every month and/or in default of payment, the informant shall be free to take steps for cancellation of his bail bonds.

9. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Complaint Case No. 684 of 2024 to the satisfaction of learned Judicial Magistrate 2nd Class, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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