

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28368 of 2024

Arising Out of PS. Case No.-1511 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sushil Pandit Son Of Late Rama Pandit Resident Of Village- Maulaganj, Near
Durga Mandir, Kumhartoli, Ps- Laheriyasarai, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smita Devi Wife Of Sushil Pandit Resident Of Village- Veer Kunwar Singh
Colony, Kashipur, Ward No. 7 Ps - Nagar (SAMASTIPUR)DIST-
Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Saurav Anand, Advocate
For the Opposite Party/s :	Mr. Khurshid Anwar, APP
	Ms. Lakshmi Kumari, Advocate
	Mr. Rajnish Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 14-02-2025 Heard Mr. Saurav Anand, learned counsel for the

petitioner, Mr. Khurshid Anwar, learned APP for the State and

Ms. Lakshmi Kumari, learned counsel appearing on behalf of

the complainant.

2. The petitioner is apprehending his arrest connection
with C.R. Case No. 1511 of 2022, F.I.R. dated 06.09.2022
registered for the offences punishable under Sections 498(A),
323, 324, 406, 494 of the Indian Penal Code and Sections 3/4 of
the Dowry Prohibition Act.

3. Allegation against the petitioner is of demand of



dowry and torture for non-fulfillment of the same.

4. Learned counsel for the petitioner submits that earlier the complainant had already filed a case against the petitioner for the same allegation which was filed in the year 2010.

5. Learned counsel for the petitioner submits that the allegation against the petitioner false and fabricated. In fact the petitioner's marriage was solemnized with the complainant in the year 2006 itself and till the filing of the aforesaid complaint petition no other complaint has been lodged against the petitioner and merely on the ground that the petitioner is husband of the complainant he has been falsely implicated in the present case.

6. The learned counsel for the petitioner further submits that vide order dated 27.09.2024 the case was referred for mediation before the Mediation Center of the Patna High Court for settling the dispute in between the parties, but from perusal of report of learned Mediator reveals that the mediation proceedings failed.

7. The learned counsel for the petitioner at this stage submits that petitioner is willing to pay a monthly maintenance of Rs.3500/- per month to the complainant and her children, but



then the same shall be subject to maintenance case, if any, pending in the court of learned court below. The learned counsel appearing on behalf of the petitioner submits that he will deposit the amount in the bank account number of the complainant. The Bank Account details is as follows:

Name of Account Holder:	Smita Devi (Complainant)
	W/o Sushil Pandit
Account Number	: 20313639964
IFSC Code	: SBIN0001953
Branch	: ADB Samastipur

8. The learned counsel for the complainant has no objection in this regard.

9. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Samastipur in connection with C.R. Case No. 1511 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) The petitioner shall deposit Rs. 3500/- by way of demand draft in favour of the Complainant/Opposite Party No. 2



at the time of furnishing bail bond and the learned Court below is directed to hand over the same in favour of the Complainant or his representative and the petitioner shall pay Rs. 3500/- per month regularly to the Complainant/Opposite Party No.2 in her Bank account and if the petitioner fails to pay the aforesaid maintenance amount to the Complainant/Opposite Party No. 2, the Complainant/Opposite Party No. 2 shall be at liberty to move before the learned Court below for cancellation of the bail bond of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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