

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41085 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- NAUTAN District- West Champaran

Pawan Kumar Son of Sri Ramshwar Prasad @ Bhola Prasad Resident of
Village- Mahaich, P.S.- Uchhaka Gawn, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kabita Kumari W/o Pawan Kumar, D/o - Late Umdalal Prasad Resident of
Village- Mahaich, P.S.- Uchhaka Gawn, District- Gopalganj, Bihar at present
Resident of Village- Shivrajpur, P.S.- Nautan, District- West Champaran,
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Adv.
For the State	:	Ms. Anita Kumari, APP.
For the opposite party no.2:	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 29-04-2025 Learned counsel for the petitioner along with the petitioner, learned APP for the State and learned counsel for the opposite party no.2 are present. However, the opposite party no.2 has not appeared physically and she did not even appear during the mediation proceedings.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 342, 120 (B), 354 (B), 498 (A), 406, 504, 506, 34 of the Indian Penal Code.

3. The instant case arises out of the complaint filed by the opposite party no.2, wife of the petitioner, alleging therein that



the petitioner, who is husband of opposite party no.2, used to torture upon her physically and mentally and also ousted her from the matrimonial home in association of his family members over the dowry demand.

4. After having discussions with the learned counsels for the parties in the presence of the petitioner, it seems that no final settlement of grievances is possible at this stage. However, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs.3000.00/- (Rupees Three Thousand) per month to the opposite party no.2 in the second week of every month.

5. Learned counsel appearing for the opposite party no.2 also expresses his consent to the above mentioned offer made on behalf of the petitioner.

6. In such view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Nautan P.S. Case No. 309 of 2023, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. Learned counsel for the opposite party no.2 is directed to furnish the bank account details of the opposite party no.2 in the learned Court below. If the opposite party no.2 fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the opposite party no.2 after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the opposite party no.2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

9. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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