

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33129 of 2024

Arising Out of PS. Case No.-3413 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Bablu Pandey son of Laxmikant Pandey Village- Aliyashpur Ps- Manjhi Dist-
Saran Petitioner

Versus

1. The State of Bihar
2. Nidhi Devi wife of Bablu Pandey Vill- Aliyashpur Ps- Manjhi Dist- Saran
P/A- Saraiya Satua Ps- Baniyapur Dist- Saran Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, A.P.P.
Mr. D.Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 28-01-2025 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

2. 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 'B').

3. Petitioner apprehends arrest in a case registered for the offence punishable under sections 323, 379, 498A/34 of the Indian Penal Code and sections 3 & 4 of the Dowry Prohibition Act.

4. The prosecution case in brief is that complainant was married with the petitioner on 26.11.2016. Later on, petitioner along with other family members committed torture on opposite party no.2 due to non-fulfilment of dowry demand. On 1.3.2020, all the accused persons ousted her from the 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, though opposite party no.2 does not want to live with the petitioner. Petitioner has also filed Divorce Case No. 33 of 2020 on 7.3.2020. 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. It is further submitted that she has no means of livelihood and 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 Sub Divisional Judicial Magistrate, Saran at Chapra in Complaint Case No. 3413/2021, 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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