

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37781 of 2024

Arising Out of PS. Case No.-1762 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Shashi Bhushan Kumar Son of Kapileshwar Mahto Resident of Village -
Amarakha, Police Station - Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Wife of Shashi Bhushan Kumar Daughter of Shankar Prasad Singh, Resident of Village - Bishanpur Bhathua, Police Station - Pusa, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr.Narsingh Tanti, APP
For the O.P. No.2	:	Mr. Subodh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 23-06-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.

2.

2. The petitioner apprehends his arrest in connection
with Complaint Case no.1762 of 2021 registered under section
498A of the Indian Penal Code.

3. The allegation against the petitioner, who is the
husband of opposite party no.2, is of demand of dowry and
torture.

4. Learned counsel for the petitioner submits that
earlier the matter had been sent to the Patna High Court



Mediation Centre vide order dated 26.10.2024 but the mediation process has failed. Learned counsel for the petitioner further submits that the allegation of demand of dowry and torture is false and concocted. The petitioner is always ready to keep his wife with full dignity and honour but it is the complainant who never wants to live with the petitioner as she is not happy with her marriage and she herself left her matrimonial home and started living at her parental home. The petitioner has no criminal antecedent and undertakes to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no. 2 who submits that complainant/opposite party no.2 has been left in lurch and staying along with two children in her parental home since 2019. Maintenance case is also pending till date and there is no order in the said maintenance case.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 5,000/- to his wife along with two children in the second week of every month for her basic requirements. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral



proceeding.

7. Considering the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.1762 of 2021 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 S.D.J.M, Samastipur, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

8. If the opposite party no. 2 furnishes the Bank account in which the amount can be transferred and yet the petitioner fails to make the aforesaid payment of Rs. 5,000/- on two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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