

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36391 of 2024

Arising Out of PS. Case No.-642 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ayush Kumar @ Ravi, Son of Praveen Kumar Srivastava, Resident of Village
- Sabalpur Babhan Toli, P.S.- Sonapur, District- Saran,

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sandhya Kumari, Wife of Ayush Kumar, Resident of Village - Sabalpur, Babhan Toli, P.S.- Sonapur, District- Saran. Present address- Sandhya Kumari, Daughter of Rakesh Kumar Sinha, Resident of Village - Rahamatpur, wardno. 02, Mufasil, distt- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the Opposite Party No.1	:	Ms. Sucheta Yadav, APP
For the Opposite Party No.2	:	Ms. Anu Priyadarshni, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 16-12-2025 Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned A.P.P. for the

State.

2. Petitioner apprehends his arrest in connection with

Complaint Case No. 642 of 2023 dated 19.04.2023 registered
for the offences under Sections 498(A) of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act, 1961.

3. As per the complaint case, the complainant/

opposite party no.2 has alleged that despite certain amount
being given as gifts during the time of marriage, the
complainant was being harassed and even assaulted on several



occasions due to non-fulfillment of demand of dowry. It has been submitted that the complainant was being abused and assaulted for non-fulfillment of Rs.5,00,000/- as dowry.

4. The learned counsel for the petitioner submits that earlier this case was referred to the Mediation Center, however, despite sincere efforts the mediation has failed and it seems that the marriage is irrevocably broken. Learned counsel for the petitioner submits that there are general and omnibus allegations levelled against the petitioner and others and from perusal of the complaint, it would appear that the complaint was filed within five months of the marriage. It has further been submitted that the allegations levelled are frivolous and no such demand has ever being made by the petitioner and his family.

5. Learned counsel appearing on behalf of the complainant/opposite party no.2 has submitted that there are serious allegations against the petitioner of demand of dowry and torture due to non-fulfillment of the same and even during the mediation, the petitioner did not agree for one time settlement as proposed by the complainant/opposite party no.2.

6. In view of the submissions made by the learned counsel for the parties and taking into consideration the facts that the mediation has failed as also the fact that this is a case of



matrimonial discord, let the parties decide the issue before the competent Court with regard to one time settlement and divorce, if they so desire and as far as the present case is concerned, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Complaint Case No. 642 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) The learned 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.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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