

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39637 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- KHAJAULI District- Madhubani

Bibhuti Kumar Singh @ Vibhuti Kumar Singh @ Vikash Singh S/o Ram
Kalewar Singh R/o Village-Kapariya, Ward no.-5,P.S.-Khajauli, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kusum Rani , Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam , APP
For informant :	Mr. Sudhir Kumar Mishra, Advocate
	Mr. Chaudhary Prem Kumar Thakur , Advocate
	Mr. Deepak Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-08-2025 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 'M').

2. Heard learned counsel for the petitioner, the State and the informant.

3 . The petitioner, who is husband of informant no.2, apprehends arrest in a case registered for the offence punishable under sections 341 , 323 , 324, 326, 498(A) , 504 and 34 of IPC .

4. Prosecution case in brief, is that informant was married with the petitioner 10 years ago . After marriage , both of them were blessed with one female child. It is further alleged



that this petitioner along with other accused persons subjected the victim to cruelty as she did not beget male child even after 10 years of marriage . It is further alleged that accused persons used to throw hot tea on the body of the victim causing her burn injury on right hand and neck and also assaulted her causing swelling on the head.

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 informant. Petitioner is ready to keep her with honour and safety. Besides this, petitioner is ready to give Rs. 3000/-per month to informant 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 informant oppose the prayer for bail. Learned counsel for informant submits that the petitioner, being husband of informant, in connivance with his family members, subjected the victim to cruelty as she did not beget male child even after 10 years of marriage and also ousted her to her parents' house . 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 informant, 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 Judicial Magistrate – Ist Madhubani in Khajauli P S Case No. 73 of 2024 , subject to the conditions laid down under section 438(2) of the Code of



Criminal Procedure as well as on the following conditions:-

(i) Informant 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 informant.

(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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