

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45901 of 2024

Arising Out of PS. Case No.-1847 Year-2022 Thana- SIWAN COMPLAINT CASE District-Siwan

Sambhu Yadav @ Shambhu Yadav S/o Late Mangal Yadav R/o Village-Amarpur, P.S.-Darauli, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chinat Devi Paras Chaudhary R/O Amarpur , PS- Darauli, District- siwan ,At present Bijlipur PS- Maniya, District- Baliya, State-U.P

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

10 06-05-2025 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 a case registered for the offence punishable under Sections 498A, 323, 34 of the Indian Penal Code.

3. By earlier order, the matter had been sent to the Patna High Court Mediation and Conciliation Centre for resolution of disputes between the parties but the same has failed.

4. The prosecution arises out of a complaint filed by the opposite party no. 2 after 17 years of the marriage making an allegation of demand of dowry and torture. Petitioner is the husband of opposite party no.2.



5. Learned counsel for the petitioner, at the outset, submits that the allegations levelled in the complaint are not correct and as a matter of fact, the petitioner took full care of his wife (opposite party no. 2) and his children till the year 2023 when a dispute took place between the parties whereafter the opposite party no. 2 left the house of the petitioner. It has further been submitted that the opposite party no. 2 is still staying along with her children in a hut which is at the door of the house of the petitioner and he is still taking care of the family.

6. The application has been opposed by the learned APP for the State and learned counsel for the opposite party no. 2 on the ground that the wife was never kept with due honor and dignity and now no doubt she stays in a hut near the house of the petitioner but the petitioner does not care of her day to day expenses. It is also submitted that the opposite party no. 2 has four children out of whom one has already been married.

7. At this stage, the petitioner offers to give Rs.3000/- (rupees three thousand) per month as he is a labour and cannot afford more than that to opposite party no.2 in the first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

8. 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 Complaint Case No. 1847 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

9. Learned counsel for the opposite party no.2, under instruction, submits that the opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks from today. If the opposite party no.2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.

10. Accordingly, this application stands disposed of.

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(Soni Shrivastava, J)

