

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42386 of 2025

Arising Out of PS. Case No.-72 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Madhusudhan Pathak S/O Nagendra Pathak@ Nagendra Nath Pathak
Resident Of- Niyazipur, Brahmchari Ji Ka Dera, Ps-Simri, Distt-Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shonal Devi W/O Madhusudan Pathak, D/O Narvadeshwar Choubey R/O
Village-Rasen, Ps-Rajpur, Distt-Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 07-10-2025 Heard learned counsel for the petitioner and learned

APP for the State. None appears on behalf of OP No. 2 despite

notice being validly served.

2. The petitioner seeks bail in connection with

Complaint Case No. 72(c) of 2022 instituted for the offences

under Sections 498A, 323 of the Indian Penal Code and

Sections 3, 4 of the Dowry Prohibition Act.

3. Prosecution case, in short, is that the petitioner and

his family members tortured complainant physically and

mentally for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the

petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that petitioner is the husband of the complainant and he is ready to keep the complainant with him with full honour and dignity. Learned counsel further submitted that petitioner has also filed Matrimonial Case No. 39 of 2022 for restitution of conjugal rights before the family court. Learned counsel further submitted that earlier, the petitioner was granted anticipatory bail by the learned Sessions Judge with condition to pay Rs. 9,000/- per month to the complainant as maintenance but the petitioner being an unemployed person was not able to pay the said maintenance amount. Learned counsel further submitted that the allegation of demand of dowry and torture is false and baseless. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.05.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 72(c) of 2022.

(Rudra Prakash Mishra, J)

Alok Verma/-

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