

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44761 of 2024

Arising Out of PS. Case No.-2040 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

=====

Balinder Kushwaha @ Balindra Kumar Singh Son of Sheolal Kushwaha R/O
Vill.- Bargaon, P.S.- Mairwa, Dist.- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi D/O Harilal Singh R/o Vill.- Jagdish Bankata, Post office-
Basopatti, P.S.- Bankata, Dist.- Deoria U.P.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Adv.
For the State	:	Mr. Surendra Kumar, APP.
For the Complainant	:	Mr. Ajay Kumar Tiwary, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 30-04-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the complainant. Both the parties to the proceeding are not appearing mainly on the ground that both are handicapped and they are unable to move without support.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 406, 307 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, but the cognizance has been taken only under Section 498(A) of the Indian Penal Code.

3. The instant case arises out of the complaint filed by the complainant, wife of the petitioner, alleging therein that there



was demand of Rs. 1 lac and a motorcycle as dowry and the consequent torture upon her.

4. It is submitted by learned counsel for the petitioner that the petitioner is the husband of the complainant. It is further submitted that the petitioner is handicapped and both his legs do not work and he is not in a position to move freely yet he is ready to keep his wife (complainant) with him with due dignity and honour, but it is the complainant who is not desirous of staying in her matrimonial house.

5. Learned counsel appearing for the complainant opposes the prayer for bail submitting that the informant is not ready to live with the petitioner in the matrimonial household.

6. At this stage, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs.1200.00/- (Rupees Twelve Hundred) per month to the complainant in the second week of every month.

7. 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. 2040 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If the complainant fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

