

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44157 of 2025

Arising Out of PS. Case No.-1704 Year-2024 Thana- SARAN COMPLAINT CASE District-
Saran

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Mukesh Ray @ Mukesh Rai S/O Shiv Bhagwan Ray @ Sri Bhagwan Rai @
Bhagwan Rai Resident Of Village- Koraiya, Ps- Dighwara, Dist- Saran At
Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kajal Devi W/O Mukesh Ray, D/O Gaya Ray Resident Of Village- Koraiya,
Ps- Dighwara, Dist- Saran At Chapra. Presently R/at Vill.- Chintamanganj,
P.s.- Garkha, Dist.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-09-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on behalf of

the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323,
498A, 504, 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and being husband,
has been falsely implicated in the instant case by the
complainant. It is next submitted that from perusal of the
allegation as alleged in the complaint, it would manifest that



allegation of demand of dowry and torture is general and omnibus in nature. It is next submitted that relationship in between the petitioner and the opposite party no.2 has soured to extent where it is not possible to revive the conjugal relationship in the near future, but then, with passage of time and on intervention of well-wishers, the parties may resolve their dispute amicably. It is also submitted that a child out of the wedlock was born, who presently is of nine months and is with the O.P. no.2. It is next submitted that petitioner being husband is aware of his responsibility that he has to take care of O.P. No.2 and the child also but then the O.P. No.2 in her evidence recorded before the learned trial court in the complaint case has taken a firm stand that she does not intend to go with the petitioner but then it is submitted that O.P. No.2 presently is angry and with passage of time chances are bright that the dispute would be resolved amicably. It is also submitted that petitioner is willing to pay a monthly maintenance of Rs.3,000/- (Rs. Three Thousand) to the opposite party no.2, which shall commence from 01.10.2025.

4. The learned counsel appearing on behalf of the opposite party no.2 fairly submits that no doubt the dispute is matrimonial but then with passage of time chances are bright



that the dispute would be resolved amicably as such no useful purpose would be served by sending the petitioner to jail when he is willing to pay a monthly maintenance of Rs.3000/- as O.P. No.2 also has a child to look after. It is also submitted that in the event, if petitioner is sent to judicial custody, chances of future reconciliation will get marred. It is next submitted that bank account number of the opposite party no.2 shall be whatsapped to the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner, so that the monthly maintenance as agreed commences from the 01.10.2025.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Ms. Saumya Suman, learned JMSC, Saran at Chapra, in connection with Complaint Case No.1704/2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



6. However, it is made clear that the opposite party no.2 shall be at liberty to file an application seeking cancellation of anticipatory bail of the petitioner, in the event, if the petitioner does not pay the monthly maintenance as agreed for two consecutive months.

7. It is further made clear that if a Court of competent jurisdiction fixes the maintenance, the present maintenance shall stop.

(Satyavrat Verma, J)

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