

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52515 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

Niranjan Kumar @ Niranjan Raj S/o Pratap Kumar Verma R/o vill -
Shekhpura, P.O - Mathurapur, P.S. - Muffasil, Distt. - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Kumari W/o Niranjan Kumar @ Niranjan Raj, D/o Chandra Shekhar Singh R/o Vill - Sahori, P.O. - Marwa (Jhandapur), P.S. - Bihpur, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 17-01-2025 Heard the learned Advocate for the petitioner and learned Additional Public Prosecutor for the State as well as the opposite party no. 2.

2. The petitioner apprehends his arrest in connection with Naugachia Mahila P.S. Case No. 31 of 2023, registered for the offences punishable under Sections 498(A), 494, 504, 506/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The marriage of the petitioner was solemnised with the opposite party no. 2 on 12.05.2023. Allegedly on account of non-fulfillment of demand of dowry, the opposite party no. 2



was subjected to torture in various ways and lastly she was ousted from the matrimonial house on 21.05.2023. It is further alleged that the petitioner has solemnised another marriage with another lady, Anjali Kumari.

4. Learned Advocate for the petitioner contended that the present FIR has been instituted just after two months and 20 days of the marriage; in such a short span of time, the allegation of demand of dowry and torture does not inspire confidence. Moreover, there is general and omnibus allegation against the entire family members. The petitioner categorically stated that though the matter was referred to the mediation but the same did not result in success and the dispute between the parties could not settle. It is further contended that despite the fact that the FIR has been instituted under Section 498A of the Indian Penal Code and other allied sections of the IPC, the petitioner has not been given the privilege of Section 41A of the Cr.P.C. On a query made by this Court, learned Advocate for the petitioner initially shown his unwillingness to extend any financial help to the opposite party No. 2, however, later on he agreed to pay an amount of Rs. 3,000/- per month.

5. On the other hand, learned Advocate for the State as well as the opposite party no. 2 oppose the bail application



and submit that apart from the fact that on account of such compelling circumstances and torture, FIR has been instituted within a month or two, the petitioner has averred that he is ready to keep his wife with full honour and dignity but he did not even honour such statement and now the opposite party No. 2 is left in penury.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that despite efforts taken by the learned Mediator, the dispute between the parties could not be settled, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Naugachia Mahila P.S. Case No. 31 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further conditions:

(i) that one of the bailors shall be the own/close family members of the petitioner, and

(ii) that the petitioner shall furnish an undertaking to



the effect that he shall pay Rs.3,500/- per month to the opposite party no. 2 which shall be deposited in the bank account of the opposite party no. 2 duly furnished by her on the 1st week of every month till the order passed by any competent Court.

(Harish Kumar, J)

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