

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55879 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Vikash Kumar Upadhyay @ Vikash Kumar Upadhya S/O Sanjay Kumar Upadhyay @ Sanjay Kumar Upadhya R/O Suranha, P.O- Amaura, P.S- Dildarnagar, Distt.- Gazipur, State- Uttar Pradesh. Petitioner/s
Versus

1. The State Of Bihar
2. Chandani Upadhyay W/O Vikash Upadhyay, D/O Rampujan Pandey R/O Suranha, Ps- Dildarnagar, Post- Amaura, Distt.- Gazipur, Uttar Pradesh. Current Address- Village- Nonar, P.S- Ramgadh, Distt.- Kaimur.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhishek Ranjan
For the State	:	Mrs.Meena Singh
For the O.P. No. 2	:	Mr. Tribhuwan Narayan

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 16-07-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party no. 2. There was a direction by an earlier order that the parties would sit together and tried to resolve the issue but it seems that due to some unavoidable circumstances, the meeting could not take place, thus, the case is being heard on merits.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 323, 354, 379, 313/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. By an 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 also failed.



4. The prosecution case is based upon a complaint filed by the opposite party no. 2 in which she has made an allegation of demand of dowry and torture. Petitioner is the husband of opposite party no.2.

5. Learned counsel for the petitioner submits that the marriage had taken place in the year 2017 and the allegations made with regard to demand of dowry and torture are absolutely false and baseless. Further, the complainant has also filed a case under the D.V. Act while the petitioner was always ready to settle the dispute with the opposite party no. 2.

6. Learned counsel for the opposite party no. 2, however, opposes the grant of anticipatory bail and stands by the allegations made in the complaint and also submits that there is a 5-6 years old daughter who staying along with the petitioner.

7. At this stage, the petitioner offers to give Rs.4000/- (rupees four thousand) per month 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. 119 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.

(Soni Shrivastava, J)

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