

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61558 of 2024

Arising Out of PS. Case No.-102 Year-2023 Thana- MAHILA P.S. District- Patna

Himanshu Nanda Son Of Ram Pavitra Pandit Village- Nit More Thatheri Bazar, Ashok Rajpath, Ps- Pirbahore, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari Wife Of Himanshu Nanda Village- Nit More Thatheri Bazar, Ashok Rajpath, Ps- Pirbahore, Dist- Patna At P/S- Ramkrishna Nagar, Ps- Ramkrishna Nagar, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jata Shankar Jha, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioner, learned counsel for the informant/opposite party no. 2 and learned APP for the State.

2. 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.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 504, 506, 377, 34 and 498A of the Indian Penal Code.

4. The prosecution case is based upon an FIR lodged 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 allegations levelled in the First Information Report to be incorrect and as a matter of fact, there was a pressure on the petitioner to become separate from his family and this was the reason why the informant was not ready to stay with the petitioner in their old ancestral house. Under such situation, the petitioner had filed an informatory petition before the CJM Patna on 01.09.2023 and further a petition dated 06.10.2023 before the SSP Patna and they have both been brought on record by way of Annexure-2 and 3 series. It has further been submitted that the petitioner also filed an application before the Human Rights Commission and before the SHO of the Mahila P.S. for investigating his case properly but however, no action was taken. It has further been submitted that the informant suffers from psychiatric problem.

6. Learned counsel appearing for the opposite party no. 2 however controverts these contentions made by the learned counsel for the petitioner and supports the allegation made in the First Information Report relating to establishing some unnatural sexual relationship with the wife and calling her 'witch'.



7. At this stage, the petitioner offers to give Rs.3000/- (rupees three 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 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 J.M, Patna, in connection with Mahila P.S. Case No. 102 of 2023 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

9. If the O.P. 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 O.P. No.2 would be at liberty to file cancellation of bail.

10. Learned counsel for the opposite party no. 2, under



instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned Court below.

11. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

Raj Ranjan/-

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

