

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57525 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Raushan Kumar Choudhary son of Jagannath Choudhary Resident of Village-
Rajpur Bujurg Sarairanjan District -Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Moni Kumari wife of Raushan Kumar Choudhary, D/o- Chandra Kumar Jha Village- Rajpur Bujurg W.No-12, Ps- Sarairanjan Dist- Samastipur P/A- Udaypatti Ps- Musarigharari Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Surya Narayan Roy, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP
For Opposite Party No.2	:	Mr. Rohit Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-04-2025 Heard learned counsels for the parties.

2. Earlier, the matter was referred to Mediation and Conciliation Centre, Patna High Court vide order dated 16.01.2025. From perusal of Mediator's Report dated 28.03.2025 it transpires that dispute between the parties could not be settled through the process of mediation.

3. The petitioner, husband of the complainant/Opposite Party No. 2, apprehends his arrest in a complaint case registered for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.



4. Allegation against the petitioner is of matrimonial cruelty and of demand of dowry.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner denies the allegations made in the complaint petition. He never committed torture to complainant/Opposite Party No. 2 or demanded any dowry. However, the petitioner undertakes to give Rs. 3,000/- (three thousand rupees) per month by way of temporary relief/solace, starting from this month, to the complainant/Opposite Party No. 2.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

7. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give temporary relief/solace of ***Rs. 3,000/- (three thousand rupees) per month to complainant/Opposite Party No. 2***, in the event of arrest/surrender within a period of eight weeks from today, let the petitioner, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Samastipur in connection with Complaint Case No. 338 of 2023, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:

“(A.) Complainant/Opposite Party No. 2 would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(B.) Petitioner would deposit the aforesaid aforesaid amount per month in the saving bank account of the complainant/Opposite Party No. 2 .

(C.) In case, the petitioner fails to deposit the aforesaid amount for two consecutive months, the court below would be at liberty to cancel the bail bond.

(D.) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.”

(Prabhat Kumar Singh, J)

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