

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64117 of 2024

Arising Out of PS. Case No.-2936 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Nitesh Prasad Son of Bairistar Prasad Resident Of Village Saidpur, PS-
Goriakothi, District- Siwan. At Present R/O-C2/403/404, Sri Residency, Near
Sant Javier School, Thokar Khada, PS- Dadar, District- Nagar Haveli,
Maharashtra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikky Prasad Wife of Nitesh Prasad, D/O- Jai Kumar Prasad Resident of
Village- Kanakpur, P.S.- Dighwara, Distt.- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Parashar, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For the Complainant	:	Mr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-04-2025 Heard Mr. Anjani Parashar, learned counsel for the

petitioner, learned counsel for the Complainant and Mr. Manoj

Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2936 of 2022, dated
18.01.2023 for the offences punishable under Sections 323,
498A/34 of Indian Penal Code and Section 3/4 D.P. Act and
cognizance has been taken under Section 498A of Indian Penal
Code and Section 4 of D.P. Act.

3. As per the complaint petition, the complainant
alleged that the petitioner along with other accused persons



ousted her from her matrimonial house due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis that he is the husband of the complainant and from bare perusal of the FIR, it transpires that there is no specific overt act against the petitioner and allegation levelled against the petitioner is general and omnibus.

5. Vide order dated 23.10.2024 the matter was referred to the learned Mediator to resolve the dispute between the parties. Report of the learned Mediator dated 18.12.2024 reveals that the dispute between the parties could not be resolved through the process of mediation.

6. Learned counsel for the complainant informed this Court that petitioner has not complied the order of the learned Family Court which was passed in Maintenance Case No. 27 of 2024 by which the Principle Judge, Family Court, Saran at Chapra has directed petitioner to pay Rs. 3000/-(Rupees Three Thousand) per month to the complainant.

7. Learned counsel for the petitioner submits that petitioner had deposited altogether Rs. 27,000/-(Rupees Twenty



Seven Thousand) as maintenance amount in the account of complainant till April, 2025.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and petitioner has already paid the maintenance amount, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saran at Chapra in connection with Complaint Case No. 2936 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner is directed to pay the maintenance amount till the disposal of the Maintenance Case No. 27 of 2024 and if the petitioner fails to pay the maintenance amount to the complainant, the complainant will be at liberty to move before appropriate forum for cancellation of his bail bond.

ii. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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