

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67163 of 2024

Arising Out of PS. Case No.-425 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sudhir Kumar S/O Durga Saw Resident of village-Tehta Bazar, P.S.- Tehta,
District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari W/O Sudhir Kumar, D/O Basudev Sao R/O Village- Tehta, P.S-
Tehta, Dist.- Jehanabad, at present resident of Village- Gere, P.S- Muffasil,
Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 10-04-2025 Heard learned counsel for the petitioner and learned

APP for the State.

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

3. The records of the case would reveal that earlier
notices were issued to opposite party no.2 i.e., wife of the
petitioner and the service report of the ordinary notice and the
acknowledgment is also on record. However, the opposite party
no.2 has chosen not to appear before this Court during the
proceedings of this case.

4. Learned counsel for the petitioner submits that the



case of the complainant, as per her complaint petition is that, her marriage was solemnized with the petitioner on 27.06.2018 and after two to three years of marriage, the husband started assaulting her for demand of dowry of Rs.6,00,000/- and a bus and subsequently ousted the complainant from her matrimonial house. There is also an allegation that the husband had illicit relationship with another female and the wife used to get assaulted when she used to oppose such relationship. It is submitted that there is no truth in the allegations made by the complainant-wife and as a matter of fact there was neither any demand of dowry nor any torture was meted out to the wife. Learned counsel for the petitioner further submits that the petitioner is still ready to keep his wife with full dignity and honor and contrary to the same, it is the complainant herself who is not performing the marital obligations.

5. Learned APP for the State opposes the prayer for bail and also states that there is also a child from the wedlock.

6. At this stage, the petitioner is ready to pay Rs.3,000/- (Rupees Three Thousand) per month to opposite party no.2 in the second 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.

7. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned C.J.M., Gaya in connection with Complaint Case No. 425 of 2021, 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 cooperate in the investigation/trial.

8. 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, the opposite party no.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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