

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64829 of 2024

Arising Out of PS. Case No.-291 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Ajit Bind S/O Late Mahendra Bind Resident of Village - Belchhi, P.S. -
Manpur, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi W/O Ajit Bind, D/O Rajesh Bind R/O Village- Badarbad, P.S-
Ekangar Sarai, Distt.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 10-04-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 498A and 34 of the I.P.C and under Section 3/4 of the Dowry Prohibition Act. The petitioner is the husband of the informant.

3. The records of the present case would show that earlier notices had been issued to O.P. No. 2, and as per the earlier order, the learned counsel for the petitioner has also filed a supplementary affidavit for jointness; however, despite the notice, O.P. No. 2 has chosen not to appear in the present case. The present case arises out of a complaint filed by the

complainant/informant against the petitioner and his entire family. However, cognizance was taken only against the petitioner under Sections 498(A) and 323 of the I.P.C.

4. Learned counsel for the petitioner submits that, as a matter of fact, the complainant has left the matrimonial household on her own will on 30.05.2022 and despite the said fact, the present complaint was filed after more than five days, i.e., on 04.06.2022. Learned counsel for the petitioner also draws the attention of this Court to the fact that even earlier, the complainant had filed one Mahila P.S. case, being 128 of 2021, for offences under Section 498A and other sections of the I.P.C and $\frac{3}{4}$ of the Dowry Prohibition Act, in which the petitioner has already been granted bail by this Hon'ble Court on 15.01.2024, passed in Cr.Misc. No. 37203 of 2023. It is the further submission of the learned counsel for the petitioner that the petitioner is still ready to keep the complainant with due dignity and honour; however, it is the complainant who does not wish to stay with the petitioner.

5. At this stage, the petitioner is ready to pay Rs.2,000/- (Rupees Two 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.

6. In such view of the matter, 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 Sub Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Complaint Case No. 291-C of 2022, 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. 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, the O.P. No. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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