

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66471 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Surya Narayan Baitha Son of Sushil Kumar Safi @ Sushil Safi R/O Vill.-
Majhaura, P.s.- Laukaha, Dist.- Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kusum Kumari Rajak Wife of Surya Narayan Baitha R/O Vill.- Majhaura,
P.s.- Laukaha, Dist.- Madhubani, Bihar. Present Address- At Nawada, P.S.-
Madhepur, Dist.- Madhubani. Parental Home Address- Daughter of
Bindeshwari Saphi, R/O Vill.- Hanuman Nagar, Ward no. 1, Dist.- Saptari,
Zone Sagarmatha, Nepal

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Murlidhar Mishra, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For Opposite Party No.2 :		Mr. Ravi Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-04-2025 Heard learned counsels for the parties.

2. Earlier, the matter was referred to Mediation and Conciliation Centre, Patna High Court vide order dated 08.01.2025. From perusal of Mediator's Report dated 03.04.2025 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 Sections 323, 341, 379, 504 and 498A of the Indian Penal Code



and Sections 3 and 4 of the Dowry Prohibition Act.

4. As per prosecution case, marriage of complainant was solemnized with this petitioner on 29.04.2015 as per Hindu rites and rituals and thereafter, all the accused persons, including this petitioner, started demanding dowry and due to non-fulfillment of demand of dowry, complainant was subjected to cruelty and harassment.

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., Jhanjharpur, Madhubani in connection with Complaint Case No. 368 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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