

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68556 of 2024**

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S. District- Patna

Arvind Kumar @ Munna Son of Shri Ram Jivan Prasad Village - Dihari, Ps-  
Pipra, Dist-Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Sita Devi Wife of Arvind Kumar @ Munna Village- Nathpur, Ps- Parsa,  
Dist- patna

... .. Opposite Parties

**Appearance :**

|                        |   |                                                                   |
|------------------------|---|-------------------------------------------------------------------|
| For the Petitioner     | : | Mr.Akash Raj, Advocate                                            |
| For the Opposite Party | : | Mr.Humayou Ahmad Khan, A.P.P.<br>Mr. Mani Shankar Kumar, Advocate |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      02-04-2025                      Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Center of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'B').

2. Heard learned counsel for the petitioner, the State and the opposite party no.2.

3. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 498A/34 of the Indian Penal Code.

4. As per the prosecution case, informant is wife of petitioner and she used to live with him in a rental house near Gyan Niketan School, Rajeev Nagar, Patna. On 10.8.2022 at about 1 AM while she was sleeping with her 11 years old handicapped son, petitioner started assaulting her and her son with lathi. It is further alleged that petitioner told her to leave the house, otherwise he would burn her upon which informant



left the house and went to her maika. It is also alleged that petitioner is having illicit relation with his sister-in-law (Bhabhi). Earlier also, accused persons used to assault her and her child and tried to burn them.

5. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner is innocent and has falsely been implicated in this case because he happens to be husband of opposite party no.2. Petitioner is ready to keep her with honour and safety. Besides this, petitioner is ready to give Rs. 3000/-per month to opposite party no.2 by way of temporary relief/solace, starting from this month, subject to any order passed in matrimonial, maintenance or connected proceedings.

6. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that the petitioner, being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty. Accused persons ousted her to her parents' house. It is further submitted that she has a handicapped son and has no means of livelihood and is on the verge of starvation.

7. In view of the undertaking of learned counsel for the petitioner as well as condition of 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 the Judicial Magistrate 1<sup>st</sup> class, Patna in Mahila Police Station Case No. 4 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the



following conditions:-

(i) 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.

(ii) Petitioner would deposit the aforesaid interim relief per month in the saving bank account of the opposite party no.2.

(iii) In case, petitioner fails to deposit the aforesaid amount of temporary relief/solace for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(iv) 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)**

Shashi

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