

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70182 of 2024

Arising Out of PS. Case No.-505 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Shambhu Bihari @ Shambhu Lal Bihari S/o Uma Bihari Singh R/o West
Dighi Talab, Masjid Gali, P.S. - Civil Lines, Distt. - Gaya, At present R/o
Chand Chaura More, Beside Jiveeka Hospital, at Brahm Baba, P.s. -
Vishnupad, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Devi W/o Shambhu Bihari, D/o Late Brijkishor Prasad R/o New
Godwon Jheelganj More, P.S. - Kotwali, Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Eashita Raj

For the Opposite Party/s : Mr.Kanhiya Kishor

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

6 10-07-2025 The parties to the proceedings along with their respective

counsels are present in the Court. After a brief interaction, it

appears that the matter cannot be resolved finally at this stage

and hence, the case is being heard on merits.

2. A hard copy of the supplementary affidavit has been

filed on behalf of the petitioner which has been kept on record.

3. The petitioner apprehends his arrest in a case

registered for the offence punishable under Sections 498A,
494, 379, 277, 299, 377 of the Indian Penal Code and Section 3

and 4 of the Dowry Prohibition Act.

4. By an earlier order, the matter had been sent to the

Patna High Court Mediation and Conciliation Centre for



resolution of disputes between the parties but the same has also failed.

5. The prosecution case is based upon a complaint filed by the opposite party no. 2 in which she has made an allegation of demand of dowry and torture. Petitioner is the husband of opposite party no.2.

6. Learned counsel for the petitioner submits that the allegations levelled in the complaint are not correct and as a matter of fact, there is a complete denial of the marriage and a supplementary affidavit has also been filed on behalf of the petitioner bringing on record the fact that earlier also a complaint case has been filed by the opposite party no. 2 in the year 2014 which has ended in a compromise and subsequently the petitioner was even acquitted on the basis of the said compromise.

7. Learned counsel for the opposite party no. 2, however, controverts the submissions and submits that the signature of the opposite party no. 2 was fraudulently obtained on the compromise and till today, she has been left in lurch while the petitioner has remarried. She is the legally wedded wife of the petitioner.

8. At this stage, the petitioner offers to give Rs.3000/-



(rupees three thousand) per month to opposite party no.2 in the first 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.

9. In such view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 505 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

10. Learned counsel for the opposite party no.2, under instruction, submits that the opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks from today. 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 to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.

11. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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