

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73468 of 2024

Arising Out of PS. Case No.-558 Year-2023 Thana- COMPLAINT CASE District- Supaul

Gunesh Kumar @ Gunesh Yadav Son of Hareram Prasad Yadav R/O Vill.-
Parsagarhi P.S.- Jadia, Dist.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumkum Kumari Wife of Gunesh Kumar, D/O Ram Narayan Yadav
Presently Residing at Latauna, Ward no.-10, P.S.- Triveniganj, Dist.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prafull Chandra Thakur, Advocate
For the State	:	Mr. Akbar Ali, APP
For Opposite Party No.2	:	Mr. Naresh Kumar Mehta, Advocate

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 21.01.2025. From perusal of Mediator's Report dated 07.04.2025 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 341, 323, 504, 506, 498A and 34 of the Indian Penal Code.

4. As per prosecution case, marriage of complainant



was solemnized with this petitioner 15 years ago 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 C.J.M., Supaul in connection with Complaint Case No. 558C of 2022, 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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