

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76061 of 2024

Arising Out of PS. Case No.-915 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Udit Kharwar S/o Ramashankar Kharwar Resident of Village- Gehuwa, PS-
Chand, Distric- Kaimur at Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Devi W/o Udit Kharwar, D/o Laxman Kharwar R/o vill - Gehuwa, P.S-
Chand, Distt. - Kaimur at Bhabhua at present residing at vill - Kathaura, P.S.
- Sonhan, Distt. - Kaimur at Bhabhua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Tiwari, Adv.
For the State	:	Mr. Ajay Kumar No. 2, APP
For the O.P.No. 2	:	Mr. Rakesh Kumar Mishra, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

10 21-07-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 323, 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. 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 due to absence of the petitioner.

4. 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.

5. Learned counsel for the petitioner submits that the allegations levelled in the complaint are not correct and as a matter of fact, the petitioner has always been ready to keep the opposite party no.2 with full dignity and honour while the opposite party no. 2 herself is not ready to reside in the matrimonial house.

6. Learned counsel for the opposite party no. 2, however, controverts the submissions made by the learned counsel for the petitioner and rather supports the allegations made in the complaint.

7. At this stage, the petitioner offers to give Rs.3500/- (rupees three thousand five hundred) 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.

8. 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. 915(C) 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.

9. 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.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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