

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79556 of 2024

Arising Out of PS. Case No.-492 Year-2017 Thana- COMPLAINT CASE District- Lakhisarai

Birendra Thakur @ Birendra Sharma S/o Naresh Thakur R/o vill - Fullaiya,
P.s- Ramgarh chowk, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sudha Devi D/o Paltu Sharma R/o vill - Basuachak, P.S.- Chanan, Distt. - Lakhisarai, At present Sudha Devi, W/o Upendra Paswan, R/o vill - Basuachak, P.S. - Chanan, Distt.- lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 14-05-2025 Heard learned counsel for the petitioner, learned counsel for the complainant/opposite party no. 2 and learned APP for the State.

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

3. Petitioner, who is husband of opposite party no2., is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

4. Learned counsel for the petitioner submits that the



allegations in the complaint are not correct and as a matter of fact, the complainant had an extra marital relationship with one Upendra Paswan prior to the filing of the present case and she had solemnized marriage with him at the Court Premises Mandir Jamui and in support of marriage, both have executed an affidavit dated 10.01.2017, which is annexed as Annexure-2 to the present application.

5. Learned counsel for the complainant opposed the prayer for anticipatory bail and also states that there are two children born out of the wedlock.

6. At this stage, the petitioner offers to give Rs.3000/- (Rupees Three Thousand) per month to opposite party no.2 in 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.

7. In such view of the matter, let the above named petitioner, be released on bail 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 S.D.J.M., Lakhisarai, in connection with Complaint Case No.492C of 2017 subject to the condition laid down under Section 438 (2) of



the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial. If the O.P. 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 O.P. No.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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