

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81480 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Madhubani

Murly Manohar Sharma S/O Vishwanath Sharma R/O village - Brahampur ,
Police station - Manigachhi , District - Darbhanga

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Rani Kumari w/o Murli Manohar Sharma,D/O Shankar Thakur R/O village - Brahampur , Police station - Manigachhi , District - Darbhanga.Presently residing at village - Raghuvir Chowk,P.S- Rajnagar,Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Pratap, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit , APP
For OP 2	:	Mr. Ravi Prakash, Advocate
		Mr. Gagan Deo Yadav , Advocate
		Mr. Vinod Kumar , Advocate
		Mr. Udeshya Kumar Yadav , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 07-04-2025 Heard learned counsel for the petitioner, the State
and the opposite party no.2.

2. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 341 , 323 , 498A and 34 of the Indian Penal Code and 3/ 4 of the D. P Act.

3 . Prosecution case in brief is that opposite party no.2 was married with the petitioner on 04.03.2018 and after marriage , all the accused persons demanded Rs. 3 lakh as a dowry and due to non-fulfillment of the same they used to



assault and torture her and also tried to burn her.

4. 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. 5000/-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.

5 . 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 for non-fulfillment of demand of dowry and also ousted her to her parents' house. It is further submitted that she has no means of livelihood and is on the verge of starvation.

6. 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 learned SDJM Madhubani in connection with Mahila P S Case No. 42 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)

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