

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.378 of 2025

Arising Out of PS. Case No.-161 Year-2020 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Rajan Kumar S/O Bindeshwari Sah R/O Mohalla-Maheshkhunt P.S-
Maheshkhunt, District- Khagaria

... .. Petitioner

Versus

1. The State of Bihar
2. Parul Kumari D/O Anil Kumar Sah, W/O Raj Kumar @ Rajan Kumar R/O
Mohalla- Nayabazar, Maheshkhunt, P.S- Maheshkhunt, Distt.- Khagaria, at
present resided at Village- Chukti, P.S- Manti, Distt.- Khagaria.

... .. Opposite Parties

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Appearance :

For the Petitioner/s :	Mr.Lakshmi Kant Tiwary, Advocate
For the Opposite Party/s :	Mr.Shailendra Kumar Singh, A.P.P. Mr. Brajesh Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-04-2025 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 323, 498A/34 of the Indian Penal
Code and sections 3 & 4 of the Dowry Prohibition Act.

3. Prosecution case in brief is that opposite party no.2
was married with the petitioner 2019. After marriage, this
petitioner along with other accused persons started demanding
dowry of Rs. 1 lac and on non-fulfillment of the same they used
to assault and torture her. Lastly, accused persons ousted
opposite party no.2 from her matrimonial house.

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 has also filed
Matrimonial Suit No.37 of 2020 seeking divorce in the Court of



Principal Judge, Family Court, Khagaria. However, petitioner is ready to give Rs. 3000/-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 opposite party no.2 has a child out of the said wedlock and 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 Sub Divisional Judicial Magistrate, Khagaria in Complaint Case No. 161C/2020, 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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