

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83313 of 2024

Arising Out of PS. Case No.-764 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Upendra Singh @ Upendra Mahto S/o- Ram Singashan Singh Resident of
village- Sarainya PS- Udwantnagar Gajrajganj OP District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi @ Gudia d/o- Pravjeet Singh, W/o- Upendra Mahto Village-
Pakariabar Ps- Udwantnagar Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Adv.

For the Opposite Party/s : Ms. Malti Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 26-06-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code.

3. The instant case arises out of the complaint filed by the
opposite party no.2, wife of the petitioner, alleging therein that
there was demand of a motorcycle and the consequent torture
upon her.

4. Learned counsel for the petitioner submits that the
marriage had taken place in the year 2007 and the present case
was filed in the year 2022 with false and baseless allegations. It



is further submitted that the petitioner has neither made any dowry demand nor tormented the complainant over the demand of dowry and as a matter of fact, the petitioner has always been ready to keep his wife with due dignity and honour, but it is the complainant who does not want to stay with the petitioner in her matrimonial house. It is next submitted that three children were born out of the wedlock and one of them is staying along with the petitioner, whereas two children are living with the complainant.

5. Learned APP for the State and learned counsel appearing for the complainant oppose the prayer for anticipatory bail and support the allegations levelled against the petitioner.

6. At this stage, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs. 3500.00/- (Rupees Three Thousand Five Hundred) per month to the complainant in the second week of every month for the sustenance of the complainant and his two children.

7. Considering the facts and circumstances of the case, 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. 764(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If the complainant fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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