

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3181 of 2024

Arising Out of PS. Case No.-190 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Durgesh Kumar @ Durgesh Kumar Sah Ashok Sah @ Ashok Prasad Sah
Village- Matwaili, Ward No-10, Ps- Dagarua, Distt- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari Durgesh Kumar Resident of Village- Ganesh Asthan, Ward No. 13 P.S. and District- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shruti Sinha

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 05-05-2025 The petitioner and the opposite party no. 2 are present
along with their respective counsels.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 341, 494, 504, 506 and 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. 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.

4. Vide the earlier order dated 06.12.2024, this Court had referred to the agreement between the parties which has been enumerated in the said order and by the last order dated



02.04.2025, it would be clear that the children of the opposite party no. 2 are studying in private school and the amount of Rs. 10,000/- is being paid to the informant and the two minor children.

5. Today, it has been submitted by the learned counsel for the petitioner that due to some financial paucity, the payment of Rs. 10,000/- has not been made in the month of April. Learned counsel for the opposite party no. 2, however, submits that the payment is only being made of Rs. 8000/- and not Rs. 10000/-. In response to the same, it has been submitted by the learned counsel for the petitioner that since one of the sons is being kept and taken care of by the petitioner himself, therefore, the amount that has to be given to the opposite party no. 2 is only Rs. 8000/-. It is made clear that an agreement was reached between the parties with their consent and parties are required to honour the said agreement.

6. Henceforth, the petitioner would be making a payment of Rs. 8,000/- per month to the opposite party no. 2 for the purposes of her sustenance and the education of the children. It has been brought to the knowledge of this Court that the son is residing with the husband whereas the daughter is residing with the mother and the mother (opposite party no.



2) has a complain that she is not being allowed to meet her son. The petitioner will take care that there is no such complain from his wife in the future and he would readily allow opposite party no. 2 to meet her son.

7. 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 S.D.J.M., Madhepura in connection with Complaint Case No. 190 of 2021, 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.

8. However, it is made clear that in case the terms of agreement as reached between the parties which are indicated in the order dated 06.12.2024, is violated, the opposite party no. 2 would have the liberty to file an application for cancellation of bail.

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(Soni Shrivastava, J)

