

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71943 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Shiv Narayan Singh, S/o Laxmi Singh, Resident of Village-Karharba, P.S.-
Ladaniya, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar
2. Rinki Kumari, W/o Shiv Narayan Singh, R/o Village- Karharba, P.S.-
Ladaniya, Distt.- Madhubani. Present Address D/o Rajendra Prasad Singh,
R/o Village- Patharahi, P.S.- Ladaniya, Distt.- Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, APP
For the O.P. No.2	:	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 12-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for complainant.

2. The accused/petitioner is named in the complaint

and apprehending his arrest in connection with C.R. No.228

of 2023 filed under Sections 342, 498-A, 307, 379, 504 read

with 34 of the Indian Penal code but, cognizance has been

taken for the offences punishable under Sections 323, 341,

498-A and 504 read with 34 of the Indian Penal Code.

3. As per complaint, petitioner committed cruelty



upon complainant along with other family members/co-accused due to non-fulfilment of demand of dowry as raised for cash of Rs.3 lakhs.

4. It is submitted by learned counsel appearing for petitioner that the allegation of dowry demand appears found not convincing during inquiry and, therefore, the learned Jurisdictional Magistrate declined to take cognizance for the offence punishable under Sections 3 and 4 of the Dowry Prohibition Act. It is submitted that even the allegation of cruelty is appearing very general and omnibus in nature and moreover under the order of Family Court, the petitioner is paying Rs.15,000/- per month as *ad interim* maintenance. It is submitted that the mediation between the parties has failed and, thereafter, upon intervention of the Court, the parties are living together of and on in Delhi.

5. Learned counsel appearing for complainant pointed out that the petitioner is not paying the maintenance amount regularly. It is submitted that while O.P. No.2 started to live with petitioner in Delhi, she was also tortured but, he fairly conceded that for any torture as alleged to be



committed at Delhi, no complaint/F.I.R. was lodged over there.

6. Taking a contrary submission, it is submitted that eight month's arrears at rate of Rs.15,000/- in terms of Family Court's order is pending with petitioner. It is submitted that within four weeks i.e. on 12th February, 2026, the aforesaid arrears payment shall be transferred to the account of complainant/O.P. No.2, the details of which, is already available with petitioner, in case O.P. No.2 lives separately.

7. In view of aforesaid factual submissions and by taking note of fact as the allegation of cruelty is appearing very much general and omnibus against petitioner, coupled with the fact that O.P. No.2 is living with petitioner of and on in Delhi, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to 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 Judicial Magistrate-1st Class, Madhubani in connection with C.R. No.228 of 2023, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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