

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75102 of 2019

Arising Out of PS. Case No.-1530 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

RAKESH RAJ @ RAKESH KUMAR Son of Bipin Bihari @ Lalla Resident
of Mohalla - Gopalganj Road Manpur, P.S. - Muffasil, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Babita Devi Wife of Rakesh Raj Resident of Mohalla - Gopalganj Road Manpur, P.S. - Muffasil, District- Gaya. At Present Daughter of Ram Bilash Noniya, Village Warsaliganj Magi Gali, P.S. - Wasaliganj, District - Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Sen Prasad Singh
For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 22-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the D.P. Act.

Petitioner who happens to be husband of the Complainant is said to have tormented the complainant over dowry demand and finally drove her out of her marital house snatching her belongings in association of his family members.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner neither made any dowry demand nor subjected the complainant to any cruelty nor drove her out from marital house.



Complainant had earlier lodged Complaint Case No. C-679 of 2009 against the petitioner and others under Section 498A and other allied Sections of I.P.C. which ended into acquittal and against said acquittal, Complainant filed SLA No.32 of 2014 in this Court, which was also dismissed and now the Complainant has again filed this false and concocted case to harass and extort money from the petitioner. Petitioner has also filed divorce case bearing M.T.S. Case No.76 of 2016 in which the Complainant has deposed that she has been living separately from her husband for the last 12 years. Aforesaid statement of the complainant was recorded on 10.06.2019. As per the aforesaid statement of Complainant she has been living separately from petitioner since 2007 hence, the allegation of complainant that the petitioner took her at her marital house on 29.11.2015 and assaulted and snatched her belongings and drove her out from her marital house is utterly false and frivolous. Petitioner has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada in connection with Complaint Case No. 1530 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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