

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2475 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Birendra Das Son Of Late Jogendra Das R/O Vill.- Nanudarhi, P.S.- Ladania,
Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Vina Devi Wife Of Birendra Das And D/O Late Jivas Das R/O
Champa, P.S.- Arrer, Distt.- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Harendra Kumar Singh

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-09-2023 Despite valid service of notice no one appears on
behalf of opposite party no. 2.

2. Heard learned counsel for the petitioner and the
State.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 379,
504, 494, 498(A) and 34 of the Indian Penal Code and section
3/4 of the Dowry Prohibition Act.

4. There is allegation of torture and harassment for
dowry.

5. It is submitted that petitioner happens to be the
husband of opposite party no. 2 and he is still ready to keep his



wife with full honour and dignity. It is further submitted that petitioner being husband tried his best to adjust with the complainant/opposite party no. 2, but the complainant used to flee away without informing him and thereafter, petitioner filed a case bearing Case no. 30 of 2021 under Section 9 of the Hindu Marriage Act before the learned court below. It is next submitted that there is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006(3) PLJR 182**. Petitioner has got clean antecedent.

6. Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 learned Judicial Magistrate Ist Class, Madhubani in connection with C.R. Case No. 21 of 2021, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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