

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19289 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Pawan Kumar @ Pawan Kumar Singh Son of Raj Kumar Singh Resident of
Mohalla - Lalji Tola, P.S.- Gandhi Maidan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi Wife of Pawan Kumar, D/o Birendra Prasad Resident of Village-
Usri Khurd, P.S.- Sahpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Mr. Vinay Ranjan, learned counsel for the
petitioner and Mr. Rabindra Kumar, learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 360 of 2022 wherein cognizance has
been taken for the offences punishable under Sections 323, 504,
498A and 406 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

The complainant has alleged that her marriage was
solemnized in the year 2012 with the petitioner and at the time
of marriage, cash of Rs. 18 lakh, Maruti Car and other valuables
were given. She further alleged that soon after her marriage, she
was subjected to mental torture and harassment at the hands of
the accused persons including the petitioner and in the year



2019 she was ousted from her matrimonial home. She also alleged that on 26.03.2022, all the accused persons came to her house and said that unless her parents will not execute land in favour of the petitioner, they will not keep her with them.

Learned counsel for the petitioner submits that the petitioner happens to be husband of the complainant and he had already filed a divorce case bearing Matrimonial (Divorce) Case No. 769 of 2021, before the court of learned Principal Judge, Family Court, Patna on 13.07.2021, and when the notice was issued to the complainant (O.P. No.2), the present complaint case has been filed against the petitioner and his family members. He further submits that, in fact, on account of callous attitude and wrongful behaviour of the complainant, the father of the petitioner had filed an informatory petition before the learned Chief Judicial Magistrate, way back in the year 2014 itself. Thereafter, the petitioner had also instituted Gandhi Maidan P.S. Case No. 461 of 2019 on 06.11.2019 itself against the brother of the complainant, wherein the police having found the case true submitted charge-sheet against him. He next submits that from the complaint itself, it is evident that the complainant was allegedly ousted way back in the year 2019 itself and this complaint has been instituted after a delay of three



years.

On the other hand, learned counsel for the State opposes the bail application and submits that since the matter relates to a matrimonial dispute, hence, the notice is required to be given to the complainant (O.P. No.2)

Regard being had to the submissions made on behalf of the parties and considering the fact that prior to the institution of the present complaint, the petitioner had already filed a divorce case wherein notice has already been issued vide order dated 25.03.2022 and moreover the complainant (O.P. No.2) is admittedly living separately since 2019 as is evident from the complaint, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Danapur, in connection with Complaint Case No. 360 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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