

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36500 of 2023**

Arising Out of PS. Case No.-1572 Year-2021 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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RAJESH KUMAR Son of Late Ganesh Mahto Resident of Village- Santpur  
Parsauni, PS- Mainatand, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari Kushwaha Wife of Rajesh Kumar Resident of Village- Santpur  
Parsauni, PS- Maintard, District- West Champaran. Presently residing at C/o  
Rajkumar Singh, Jaisinghpur Chyutahi, PS- Turakauliya, District- East  
Champaran

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar, Adv.  
For the Opposite Party/s : Mr.Gouri Shanker Prasad, APP  
Mr.Madhurendra Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      02-08-2023              Heard learned counsel for the petitioner, learned APP for  
the State and learned counsel for the O.P. No.2.

2.      The petitioner apprehends his arrest in a case registered  
u/s 498(A), 406, 323, 504 of the IPC and section 4 of D.P. Act.

3.      Allegation against the petitioner is of committing torture  
upon the victim and of ousting her from the matrimonial house  
due to non-fulfillment of demand of dowry.

4.      It is submitted by learned counsel for the petitioner that  
petitioner is an innocent person and has committed no offence.  
Petitioner has never made any dowry demand and has been



falsely implicated in the present case due to grudge. It is submitted that in the year, 2018, the O.P. No.2 filed a complaint case u/s 498A and other sections of the IPC and  $\frac{3}{4}$  of the D.P. Act, in the year 2022 also, the complainant filed a Complaint case No.977/2022 u/s 498 (A), 494, 406, 323 of the IPC and the present case has been filed by the complainant as Complaint Case No.1572/2021, u/s 498A/406 and other sections of the IPC. It is further submitted that the petitioner has filed a divorce case in the year, 2017, thereafter, all the complaint cases have been filed by the O.P. No.2 against the petitioner. Petitioner has two criminal antecedents.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the bail application and submits that petitioner has not kept his wife with dignity though it is alleged in the Complaint petition that at the time of marriage, complainant's father has given Rs.Four Lakhs, motorcycle, cloths and jewellery. The victim gave birth to a girl child, who died after 15 days of birth for want of proper care. It is further submitted that without the consent of the complainant, petitioner has solemnized second marriage.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No.1572/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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