

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36377 of 2023**

Arising Out of PS. Case No.-515 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Dheeraj Kr. Biswas @ Dhiraj Kumar Biswas, S/O Suresh Chand Vishwas @ Suresh Vishwas, R/O Village- Panchgama, P.O- Bharri, P.S- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashikala Kumari, W/O Dhiraj Kumar Biswas, D/O Ashok Biswas R/O Badwabadi, P.O- Bharri, P.S- Kadwa, Distt.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 515 of 2022, registered under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the complainant was married to the petitioner on 22.6.2018. It is further stated in the complaint that gifts as also cash was given by the complainant's father at the time of marriage to the accused persons. After one year of marriage, the accused persons started to physically and mentally torture the complainant. The complainant's father also



spent a sum of Rs. 7 lacs in treatment of the complainant's husband. However, subsequently the torture increased and finally on 8.1.2021, the petitioner dropped the complainant at her parent's place.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of his being the husband of the complainant. The allegations as levelled in the complaint are all false and concocted. It was the complainant who deserted the petitioner for which the petitioner filed Matrimonial Case no. 18 of 2021, in the court of the Principal Judge, Family Court, Katihar praying therein for restitution of conjugal rights. It was subsequent thereto, on 22.3.2022, that the complaint was filed making false allegations against this petitioner. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the complaint, matrimonial case for restitution of conjugal rights having been filed by the petitioner and only subsequent thereto the instant complaint having been filed together with the petitioner not having any criminal antecedent,



it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 515 of 2022, 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 Sub-Divisional Judicial Magistrate, Katihar.

(Partha Sarthy, J)

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