

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44117 of 2023**

Arising Out of PS. Case No.-2628 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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DEEPAK KUMAR @ DEEPAK KUMAR SAH S/O PURAN SAH R/O
Village- Tingachhiya, PS. Katihar, Dist. Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KANCHAN KUMARI PODDAR W/O DEEPAK KUMAR R/O Village-
Kandas, PS. Chchol, Dist. Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 22-08-2023

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.2628 of 2019, registered under section 498A of the Indian Penal Code and section 4 of the D.P. Act.

3. As per the prosecution case, the allegation is of assault, torture and demand of dowry to the tune of Rs.50,000/- by the accused persons including the petitioner herein who happens to be the husband of the complainant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of his being the husband of the complainant. Referring



to the order of the learned trial Court, it is submitted that the complainant was not ready to live with the petitioner. So far as the petitioner is concerned, he has filed a matrimonial case under section 9 of the Hindu Marriage Act praying for restitution of conjugal rights which has been registered as Matrimonial Case no.9 of 2020 and is pending in the Court of Principal Judge, Family Court, Katihar. Further referring to the order at Annexure-3, it is submitted that as directed in the maintenance case, the petitioner is paying the interim maintenance of Rs. 3,000/- per month.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made by learned counsel for the petitioner including the pendency of the matrimonial case filed by the petitioner praying for restitution of conjugal rights and the order of interim maintenance passed in the maintenance case in the learned trial Court together with the allegations in the complaint, 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.2628 of 2019 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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