

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44165 of 2023

Arising Out of PS. Case No.-228 Year-2020 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

BRAJESH KUMAR @ BRIJESH KUMAR Son of Late Ram Newaj Ray
Resident of Village - Dhanbhakhara, P.S.- Nawanagar, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jang Bahadur Chaudhary Son of Late Bhuneshwar Chaudhary Resident of
Village - Ganj Bhadsara, P.S.- Dinara, District - Rohtas.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, Sr. Advocate
Mr. Alexander Ashok, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-08-2023 1. Heard learned Senior counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no.228 of 2020, registered under sections
323 and 498A of the Indian Penal Code and section 4 of the
Dowry Prohibition Act.

3. As per the prosecution case, it is stated by the
complainant that he married his daughter to the petitioner on
8.3.2019. Further allegation is of physical and mental torture to
the complainant's daughter as also demand of dowry by way of
motorcycle by the accused persons including the petitioner



herein.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband of the daughter of the complainant. It is, in fact, the daughter of the complainant who deserted the petitioner which led to the petitioner filing a matrimonial case under section 9 of the Hindu Marriage Act on 30.06.2020 praying for restitution of conjugal rights which was registered as Matrimonial Case no.119 of 2020 in the Family Court at Buxar. It was subsequent thereto on 14.8.2020 that the instant complaint was filed. Referring to the order sheet of the matrimonial case, learned Senior counsel submits that it was the daughter of the complainant who is not ready to reside with the petitioner. The petitioner has no criminal antecedent.

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

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the filing of the matrimonial case for restitution of conjugal rights prior to institution of the complaint 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.228 of 2020 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 Chief Judicial Magistrate, Rohtas, Sasaram.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

