

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48168 of 2023

Arising Out of PS. Case No.-925 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

Kumod Poddar, Son of Rambabu Poddar Village- Hawaspur, P.S.- Patori Dist-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilu Devi D/o- Madan Poddar Village- Chakumar P.S.- Vidyapatinagar Dist-
Samastipur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2023 Heard Mr. Vivek Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner, who happens to be husband of the
opposite party no. 2, apprehends his arrest in connection with
C.R. Case No. 925 of 2019, giving rise to T.R. Case No. 2306 of
2022 registered for the offences punishable under Section
498A/34 of the Indian Penal Code.

3. Allegedly, the marriage of the petitioner with the
opposite party no. 2 was solemnized way back in the year 2004,
but, soon after the marriage she was subjected to demand of
dowry, which resulted into lodging of the Dalsingsarai P.S. Case



No. 364 of 2007, however, the same was disposed of on account of the compromise. It is further alleged that both the petitioner and the opposite party no. 2 blessed with three children, but again in the meanwhile, the petitioner has developed extra marital affairs with another lady and when the protest was made, she was brutally assaulted and ousted from her matrimonial house.

4. Learned counsel appearing on behalf of the petitioner submits that admittedly the marriage was solemnized way back in the year 2004 and both the parties have been living peacefully, however, only on account of suspicion of having extra marital affairs of the petitioner, the present complaint case has been instituted, though the petitioner is ready to keep his wife with full honour and dignity and for the same purpose he had also filed a matrimonial case under Section 9 of the Hindu Marriage Act for restitution of his conjugal right before the court of learned Principal Judge, Family Court, Samastipur. He lastly submits that the petitioner is a man of 51 years and bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the materials available on record and the fact that marriage was solemnized way back in the year 2004 and earlier also there was a dispute ended in a compromise, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Samstipur in connection with C.R. Case No. 925 of 2019, giving rise to T.R. Case No. 2306 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

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

