

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45434 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- MAHILA P.S. District- Munger

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DINESH KUMAR @ DEVRAJ S/O RAJENDRA MAHTO Resident of
Rikabganj Lal Bag, P.S.- Tatarpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIKU KUMARI NITU W/O DINESH KUMAR @ DEVRAJ AND D/O
RAM PYAR SINGH Resident of village- Gonai, P.S.- Hawelim Kharagpur,
District- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-04-2023 I.A. No. 01/2023 has been filed on behalf of the

petitioner stating that O.P. No.2 is residing with her mother at

her parental house and noticed issued to O.P. No.2 received by

her mother may be treated to be validly service.

In view of aforesaid submission, service of notice on

O.P. No.2 is deemed to be validly served.

I.A. No. 01/ 2023 stands allowed.

Heard learned counsels for the petitioner, and learned

A.P.P. for the State. Nobody appears on behalf of O.P. No.2.

The petitioner is apprehending his arrest in connection

with Mahila PS Case No. 37 of 2021 for the offence registered

under Sections 323, 494, 498(A) and some other ancillary



Sections of the I.P.C. and 3/4 of the D.P. Act.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has has falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006(3) PLJR 182**. Petitioner has got clean antecedent.

On behalf of the learned counsels for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of Judicial Magistrate, 1st
class, Munger in connection with Mahila case No. 37/ 2021,
subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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