

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55253 of 2023

Arising Out of PS. Case No.-3448 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Suraj Singh @ Suraj Kumar Singh S/O Anil Kumar Singh @ Anil Singh R/O
Village- Gayatri Niwas, House No. 14, Indrapuri, Road No. 7, A Post- Keshri
Nagar, Ps. Patliputra, Dist. Patna. Permanent Resident Of Village- Gopalpur
Mahadali Chak, Ps. Nayagaon, Dist. Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Shashi Mala @ Shashi Mala W/O Suraj Singh @ Suraj Kumar
Singh, D/O Ramashankar Singh R/O Village- Hasanpur, Gurda Chandel
Tola, Ps. Mahnar, Dist. Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Digvijay Kumar Ojha, Advocate.
For the Opposite Party/s	:	Mr. Pronoti Singh, APP.
For the Opposite party No.2	:	Mr. Prakash Chandra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Digvijay Kumar Ojha, learned counsel for
the petitioner, Mr. Prakash Chandra, learned counsel for the
informant and learned APP for the State.

2. The Petitioner, who happens to be the husband of
the opposite party no.2 is apprehending his arrest in connection
with Complaint Case No.3448 of 2022, wherein cognizance has
been taken under section 498A/34 of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the petitioner was
solemnized with the opposite party no.2 on 18.06.2017.



However, soon after the marriage, she was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways, which resulted into lodging of the complaint case. It is also alleged that a female child has also been born from the wedlock of the parties.

4. Learned counsel appearing on behalf of the petitioner submits that the allegation of demand of dowry is palpably incorrect, and moreover, the marriage took place on 18.06.2017, but surprisingly, the present complaint has been filed in the year 2022 after five years of the marriage, and as such, the allegation of demand of dowry appears to be doubtful. He further submits that the present complaint case is nothing but a counterblast of the divorce case bearing Divorce Case No.602 of 2022 lodged by the petitioner on 10.05.2022 and the opposite party no.2 having come to know about the institution of the divorce case has filed the complaint case. He next submits that a maintenance case bearing Maintenance Case No.312 of 2022 has also been filed before the Family Court, which is also pending consideration.

5. On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that specific allegation of assault and torture on account of



demand of dowry has been leveled against the petitioner. He also submits that he is having photographs showing, as to how she was assaulted by the petitioner. He lastly submits that the opposite party no.2 is living with a small baby and there is no one to maintain them.

6. Learned APP for the State also opposes the bail application.

7. At this juncture the petitioner undertakes that he is ready to pay Rs.5000/- per month for the maintenance of his daughter.

8. Regard being had to the submissions made on behalf of the parties and considering the fact prior to the institution of the complaint case, a Divorce Case No.602 of 2022 has already been filed by the petitioner, wherein notice has also been issued to the opposite party no.2 and moreover, a maintenance case has already been filed by the opposite party no.2, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with



Complaint Case No.3448 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

9. Further, it is directed that in view of the undertaking the petitioner shall deposit Rs.5,000/- per month in the bank account of the opposite party no.2, as maintenance of his daughter, till any order is passed in the maintenance case.

(Harish Kumar, J)

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