

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56952 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Dhiraj Kumar Son Of Late Shiv Shankar Ram Resident Of Mohalla -
Devariya East To The Om Office,, P.S. - Jehanabad, District - Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanju Kumari, Daughter Of Shambhu Singh Resident Of Bardih Math, P.S. -
Islampur, District - Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 30-08-2023 Heard Mr. Shivendra Prasad, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner, happens to be the husband of the
opposite party no. 2, who is apprehending his arrest in
connection with Complaint Case No. 361(C) of 2022, registered
for the offences punishable under Sections 323 and 498(A) of
the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

3. Allegedly, the marriage of the petitioner was
solemnised with the opposite party no. 2 on 31.01.2020,
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 resulting into lodging of the present complaint case. There are certain other allegations levelled against the petitioner in the present complaint case.

4. Learned counsel appearing on behalf of the petitioner submits that the present complaint case is nothing but has been filed in retaliation to the Divorce Case filed by the petitioner being Matrimonial Case No. 105 of 2021. It is further submitted that the moment the complainant came to know with regard to the aforementioned matrimonial case the present complaint case has been instituted with concocted story to implicate the petitioner in a false case only in order to wreak her vengeance. He further submitted that in fact the complainant had some relationship outside the wedlock and she was not happy with the relationship of the petitioner and as such, the differences arose which resulted into filing of the divorce case.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to lodging of the present complaint there was already a divorce case bearing Matrimonial Case No. 105 of 2021, let the



petitioner abovenamed 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 SDJM, Hilsa, Nalanda in connection with Complaint Case No. 361(C) 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)

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