

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61634 of 2023

Arising Out of PS. Case No.-2304 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

Uma Shankar Singh @ Uma Shanker Singh, S/O Mahanth Singh, R/O
Deokuli Laxmipur, P.S- Mohammadpur, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari, Wife of Uma Shankar Singh, D/O Late Ramadhar Singh
Village- Newaji Tola, Po- Gurukul Mehiya, Ps- Chapra Muffasil, Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Trial No.2825 of 2022, arising out of Complaint Case No. 2304 of 2019 in which cognizance has been taken under Sections 323, 504, 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, allegation against the petitioner-husband is that he had been demanding Rs.80,000/- as dowry and on account of non-fulfillment, the petitioner along with other co-accused persons treated the complainant with cruelty and ousted her from the matrimonial house.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner and his family never demanded any money. The complainant did not like to stay with the petitioner and, for this reason, the petitioner filed a case for restitution of conjugal rights bearing Matrimonial (RCR) Case No.62 of 2018 in the court of learned Principal Judge, Family Court, Gopalganj on 12.04.2018. Thereafter, when the complainant avoided to live with the petitioner, he filed a Matrimonial (Divorce) Case No. 122 of 2019 on 31.05.2019. Coming to know about this divorce case, the complainant filed this false case making wild allegation. There is no material to show any demand or any assault upon the complainant who does not want to live with the petitioner and this is the main reason of the matrimonial discord between the parties. The learned counsel further submits that though notice was issued to the complainant and she personally received the notice as is apparent from the office notes, but she chose not to appear before this Court.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the cases filed by the petitioner for restitution of conjugal right as well as for divorce and subsequent case of the complainant for dowry demand and cruelty and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra, in connection with Trial No.2825 of 2022, arising out of Complaint Case No.2304 of 2019, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

