

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5345 of 2024

Arising Out of PS. Case No.-2105 Year-2022 Thana- SIWAN COMPLAINT CASE District-Siwan

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Dharmendra Rajbhar @ Dharmender Rai S/o Late Ramadhar Rajbhar @
Ramadhar Rai R/o village and P.O.-Kishunpali, P.S.-Darauli, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Devi W/o Dharmendra Rajbhar @ Dharmender Rai R/o vill and P.O-Kishunpali, P.S-Darauli, District-Siwan, at present R/o vill-Bankatta Jagdish, P.O-Basopatti Rampur, P.S-Bankatta, District-Deoriya (U.P)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Tiwary, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the O.P.-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 22-07-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Sections 323, 337, 354(B), 498(A) of the Indian
Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

3. As per complaint, the complainant was married with
this petitioner in the year 2005 and from the wedlock, she was
blessed with one son and one daughter and it is alleged that
after some time, the complainant was subjected to torture and
harassment by this petitioner and other in-laws family members
due to non-fulfillment of demand of dowry and lastly, on
01.10.2022, she was ousted from her matrimonial house.



4. Learned counsel for the petitioner, while denying the allegations made in the complaint petition, submits that petitioner has been falsely implicated in this case merely because he is husband of the opposite party no. 2. However, he is ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned 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.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, 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 the learned Judicial Magistrate 1st Class, Siwan in connection with Complaint Case No. 2105 of 2022, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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