

Arising Out of PS. Case No.-3183 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

... .. Petitioner/s

1. The State of Bihar Bihar
2. Smriti Rai W/O- Amandeep Rai R/O- Village- Jurawanpur, P.S.- Biddupur, Post- Maniarpur, Dist.- Vaishali, Pin- 844504

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

2 20-02-2024 Heard learned counsel for the petitioner,
complainant and learned APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Complaint Case No. 3183 of 2022, filed on 12.10.2022 for the offences under Section 498A of the Indian Penal Code.

3. As per prosecution case, the petitioner is the husband of the complainant and there is allegation that the petitioner along with other co-accused persons demanded dowry and the complainant was assaulted and tortured with cruelty. Later on, the complainant gave birth to a daughter and thereafter, torture increased. Ultimately, the complainant and her



toddler daughter were driven out 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. The fact of the case is that the petitioner being husband of the complainant has been disputing the parentage of the girl child born to the complainant and has filed a title suit bearing Title Suit No. 1036 of 2022 for declaration and permanent injunction. The petitioner has filed a matrimonial case prior to filing of the complaint case and the matter is pending at the stage of re-conciliation. It is further submitted that there is no incriminating material on record showing that allegations are truthful and the case is serious. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the complainant oppose the submission made on behalf of the petitioner. Learned counsel for the complainant submits that there is specific allegation against the petitioner for assaulting and torturing his wife due to non-fulfillment of dowry demand. The complainant still wants to stay in her matrimonial house.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the parties are already before the Family Court and



the dispute has arisen out of marital discord, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur/concerned court in connection with Complaint Case No. 3183 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

Amrendra/-

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