

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8057 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Chandan Kumar Son of Dinesh Rai Resident of Village- Bakhtaurganj, Ps-
Goraul, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shikha Kumari, Wife of Chandan Kumar, Resident of Village- Bakhtaurganj,
PS- Goraul, Dist- Vaishali at present D/O Ram Babu Rai, Resident of
Village- Adhlalpur Dashhara, PS- Patori (Mohanpur OP), Distt- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-02-2024 Heard Mr. Sunil Kumar Singh, learned counsel for the

petitioner and Mr. Abhay Kumar, learned APP for the State.

2. The petitioner, who happens to be husband of O.P.
No.2, is apprehending his arrest in connection with Complaint
Case No. 327 of 2023, wherein cognizance has been taken for
the offences punishable under Sections 323 and 498A of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the petitioner was
solemnized with O.P. No.2 on 11.07.2020 as per the Hindu rites
and custom. At the time of marriage, sufficient amount of dowry was
given to the petitioner but subsequently the complainant subjected to
demand of further dowry and ultimately she ousted from her



matrimonial home on 25.02.2023, leading to filing of the present complaint case.

4. There is total denial of allegation made in the FIR and submission has been made that prior to filing of the present complaint case on 01.03.2023, the petitioner had already filed a petition for divorce bearing Matrimonial Case No. 03 of 2023 on 03.01.2023 before the Principal Judge, Family Court, Vaishali at Hajipur and the same is at the stage of evidence. The present case is said to be a counter blast of a divorce case. Moreover, the petitioner is said to be a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State, opposed the bail application and submitted that the petitioner is a husband and the entire allegations revolve around him.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of institution of matrimonial case prior to filing of the complaint case, coupled with the fair antecedent of the petitioner and the matrimonial dispute, 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 learned S.D.J.M., Samastipur in connection with Complaint Case No. 327 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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