

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7736 of 2024

Arising Out of PS. Case No.-372 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Rahul Modanwal, S/O Nagina Prasad Modanwal, Village- Dostpura, Ps. Kopaganj, Dist. Mau (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari, W/O Rahul Modanwal, Village- Dostpura, Ps. Kopaganj, Distt. Mau, (U.P.) Presently Residing At C/O Ajay Kumar, R/O Village- Chandragokhul Road, Ward No. 16, Ps. Gopalganj, Dist. Gopalganj, (BIHAR).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the O.P. No.2	:	Mr. Kumar Harshvardhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the complainant/opposite party no.2.

2. In this case, the petitioner is apprehending his arrest in connection with Complaint Case No. 372 of 2022, registered on 28.02.2022 for the offences under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per prosecution case, petitioner is the husband of the complainant/opposite party no.2 and allegation against the petitioner and his family members is that they used to demand of Rs. 10,00,000/- as dowry and always used to torture and treat the complainant with cruelty. Lastly, the complainant was forced to



leave her matrimonial home.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The complaint was filed after delay of more than two years and for which there is no satisfactory explanation. On the other hand, the petitioner filed a case for restitution of conjugal rights before the court of learned Principal Judge, Family Court, Mau which was decreed in favour of the petitioner and the complainant was directed to restore her conjugal life. The present case has been filed after the complainant came to know about the filing of the case for restitution of conjugal rights. Learned counsel further submits that the petitioner has ready and willing to keep the complainant but she refused to stay with the petitioner. Though the matter was referred to the mediation centre and due to intransigent attitude of the petitioner, the mediation has failed. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the complainant/opposite party no.2 vehemently oppose the prayer for anticipatory bail. Learned counsel for the complainant submits that the petitioner and his family members tortured the complainant and for this reason she does not want to stay with the petitioner and the petitioner is not ready to full and final settlement with the complainant.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of dispute which appears to be matrimonial discord and further considering the decree of restitution case in favour of the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned SDJM, Gopalganj/court concerned in connection with Complaint Case No. 372 of 2022, subject to the conditions 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)

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