

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9224 of 2023

Arising Out of PS. Case No.-102 Year-2020 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Dilip Poddar Son of Binod Poddar @ Vinod Poddar Resident of Village -
Maura Bazar, Ward No.- 7, P.S.- Sonvarsa (Kashanagar O.P.), District -
Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi Wife of Dilip Poddar D/o Ganga Poddar, Resident of Village -
Maruahi, P.S.- Puraini, P.O.- Auray, District - Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anant Kumar 1, Advocate
For the State	:	Mr. Aditya Narayan Singh.1,APP
For the O.P.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-09-2024 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 Section 498A of the Indian Penal Code.

3. Allegation against petitioner is of matrimonial
cruelty and demand of dowry.

4. While denying the allegations made in the complaint
petition, learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case merely
because he happens to be husband of opposite party no. 2. He
neither demanded any dowry nor committed torture with



opposite party no. 2 and is still ready to keep the opposite party no. 2 with full honour and dignity. Learned counsel further submits that petitioner has also filed a matrimonial case, vide *Matrimonial Case No. 08 of 2022*, before the learned Principal Judge, Family Court, Saharsa under Section 9 of the Hindu Marriage Act for restitution of conjugal right. 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*.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight 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 S.D.J.M., Saharsa in connection with Complaint Case No. 102/2020, 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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