

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11207 of 2023**

Arising Out of PS. Case No.-1933 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Prem Kumar @ Prem Shankar Kumar S/O Late Sharmanand Prasad Resident
Of Village- Areraj, Ward No.- 08, P.S.- Areraj O.P.- District- East Champaran.
... .. Petitioner

Versus

1. The State Of Bihar Bihar
2. Gitanjali Kumari @ Guriya W/O Prem Kumar @ Prem Shankar Kumar, D/O
Vivek Kumar Resident Of Village- Areraj, P.S.- Areraj, O.P.- District- East
Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 14-08-2024 Heard learned counsel for the petitioner and the State.
Despite valid service of notice, nobody appears for opposite
party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 323, 498A/34 of the
Indian Penal Code.

3. As per the prosecution case, opposite party no.2 was
married with the petitioner on 6.6.2014. After sometime,
petitioner and his family members started demanding dowry
and on refusal they subjected her to cruelty and harassment.
When her health deteriorated, she left in laws house and is
presently living in her parents' house.

4. Learned counsel appearing for the petitioner while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the
victim. As a matter of fact, opposite party no.2 does not want to
live with old parents of the petitioner. However, petitioner is



ready to keep the victim in matrimonial house with honour and dignity. The case is triable by the 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 of the case, in the event of arrest or surrender within 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 Sub Divisional Judicial Magistrate Sadar Motihari, East Champaran in Complaint Case No. 1933 of 2019 (Enquiry No. 519 of 2022, Trial No. 2715 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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