

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19869 of 2024

Arising Out of PS. Case No.-113 Year-2021 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Vinod Shah S/o Kanhaiya Shah R/o vill - Dudhghat, P.S. - Shahpur, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhoti Devi D/o Gudali Shah, W/o Vinod Shah R/o vill and Post - Ekwana, P.s. - Barahara, Distt. - Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For the O.P.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 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



never committed any torture with opposite party no. 2 or demanded any dowry. Learned counsel for the petitioner further submits that petitioner has also filed Matrimonial Case No. 71 of 2023 in the Family Court, Ara for dissolution of marriage. 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., Ara at Bhojpur in connection with Complaint Case No. 113(C) of 2021, 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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