

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17696 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- MAHILA P.S. District- Patna

Gourav Kumar Son of Late Devi Prasad @ Late Devi Chand Prasad R/o Simli Bazar, Madhav Milla, P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Prakash Wife of Gaurav Kumar R/o Mohalla- Simli Bazar, Madhav Milla, P.S.- Malsalami, District- Patna, At present Residing at Mohalla- Bakarganj, Daldali Road, Biscuit Factory, P.S.- Kadamkuan, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Mahila PS Case No. 94 of 2023 dated 13-09-2023, instituted under Sections 498A, 426/34 of the IPC and Section 3/4 of the Dowry Prohibitions Act.

3. Petitioner is husband of the informant. There is allegation of cruelty and assault upon the informant for non-fulfillment of the demand of dowry by the petitioner in association of his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is submitted that earlier petitioner filed Matrimonial Case No. 1567 of 2022 under Section 9 of the Hindu Marriage Act, 1955 on 24-11-2022 for restitution of conjugal rights. It is submitted that after receiving notice of the said case, the present FIR has been lodged on 13-09-2023. It is also submitted that petitioner filed a petition before the Mahila Vikash Manch Patna (Annexure-3) wherein, every possible effort was made by the Mahila Vikash Manch to achieve reconciliation between the parties, but the reconciliation was failed because of negative attitude of informant and her family members. It is also submitted that on 02-08-2022, the petitioner's wife left her matrimonial house along with her all jewellerys and educational certificates without the knowledge and consent of the petitioner and since then she is living in her parents house without informing anyone. Lastly, it is submitted that the petitioner is a man of clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
JM 1st Class, Patna, in Mahila PS Case No. 94 of 2023, subject
to the conditions laid down in Section 438(2) of the Code of
Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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