

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17721 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- SHAMBHUGANJ District- Banka

Jitendra Kumar Son of Late Sildhar Singh R/v- Gopalpur, P.S.- Shambhuganj,
District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari Wife of Jitendra Kumar R/v- Gopalpur, P.S.- Shambhuganj,
District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Kumar Kamal Nayan, Advocate Mr. Sudhanshu Trivedi, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP
For the O.P-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 16-07-2024 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 case punishable for the offence under
Section 498(A) of the Indian Penal Code and Section 3 / 4 of
the Dowry Prohibition Act.

3. As per prosecution case, the opposite party no. 2 was
married with this petitioner on 07.05.2017 and after the
marriage, when she went to her matrimonial house, she was
subjected to torture and harassment by this petitioner due to
non-fulfillment of demand of Rs. one lac and a motorcycle, as



dowry. It is further alleged that on 22.03.2022, this petitioner again demanded aforesaid dowry from informant / O.P.2 and when the opposite party no. 2 showed her inability, then this petitioner is alleged to have assaulted and broke the hand of opposite party no. 2.

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. Neither petitioner nor his family members demanded any dowry from opposite party no. 2 and her family members. However, petitioner is still ready to keep the opposite party no. 2 with full honour and dignity. 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**. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of 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



learned Court below where the case is pending in connection with G.R. No. 880 of 2022, arising out of Shambhuganj P.S. Case No. 89 of 2022, 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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