

Arising Out of PS. Case No.-88 Year-2016 Thana- MADHEPUR District- Madhubani

... .. Petitioner/s

Versus

- Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravi Prakash, Advocate Gagan deo Yadav , Advocate Vinod Kumar , Advocate rAjEsH Kumar , Advocate Udeshya Kumar Yadav , Advocate
For the Opposite Party/s :	Mr. Uday Chand Prasad , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-07-2024 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 victim, apprehends his arrest in a complaint case punishable for the offence under Sections 341 , 323 , 354, 494, 503 , 506 and 509 of the Indian Penal Code .

3. As per complaint, the daughter of the complainant was married with this petitioner in the year 2003 and after the marriage, when she went to her matrimonial house,



she was subjected to torture and cruelty by this petitioner and other in-laws family members due to non-fulfillment of demand of dowry .

4. Learned counsel for the petitioner, while denying the allegations made in the Complaint, submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the victim. Further submission is that for the same and similar allegation the complainant has earlier lodged a complaint case No. 570 of 2012 under Sections 323 , 379, 498 (A) and 34 of the IPC against the petitioner and others. Further submission is that specific allegation is against other co-accused person. So far as, this petitioner is concerned. There is general and omnibus allegation against him. The Opposite Party No. 2 has habit of filing such false and fabricated case against the petitioner. However, he is ready to keep the victim 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 claims 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 the learned ACJM First Class Jhanjharpur , Madhubani in connection with Madhepura PS Case No. 88 of 2016 , 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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