

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21115 of 2024

Arising Out of PS. Case No.-558 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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GAURAV KUMAR @ GAURAV SON OF SHANKAR BHAGWAN
CHAUDHARY R/O-TELECOM COLONY GOLA ROAD, P.S.-RUPASPUR,
DISTT.-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumari W/o Gaurav Kumar @ Gaurav, D/o Naresh Kumar Chaudhary R/o Telecom colony, East Gola Road, R/o ward no. 21, Presently Residing at Panchsheel Nagar, ward no. 21, P.S. - Danapur, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Brisketu Sharan Pandey, Adv.
For the Opposite Party/s :	Mr. Arun Kumar Pandey, APP.
	Mr. Viveka Nand Pathak, Adv.
	Mr. Nawnit Kumar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-09-2024 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the opposite party no.2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 342, 406, 498(A), 504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. Petitioner, who is husband of opposite party no.2, is said to have tortured upon her physically and mentally and ousted her from her matrimonial home in association of his family members over the dowry demand.



5. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. No such occurrence as alleged has ever taken place. He has been made accused in the present case due to ulterior motive. He has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. The real fact is that the complainant did not want to live with her husband and her in-laws since very beginning and therefore, she herself left her matrimonial house much before the alleged date of incident. It is further submitted that the opposite party no.2 has also filed an FIR bearing Danapur P.S. Case no. 484 of 2023 on 09.04.2023 against which the petitioner has filed Cr. Misc. No. 5566 of 2024 before this Court for grant of anticipatory bail, which was heard and disposed of. In pursuance of the order dated 01.02.2024, petitioner is paying Rs. 3,000/- per month to opposite party no.2 in the second week of every month. This fact is also not denied by learned counsel for opposite party no.2, but due to ulterior motive, this complaint has also been instituted for the same offence. It is further submitted that the petitioner has one criminal antecedent, as mentioned in para 3 of the bail application.



6. Learned APP for the State as well as learned counsel for the opposite party no.2 opposes the prayer for bail.

7. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 558(C) of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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