

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24148 of 2024

Arising Out of PS. Case No.-12118 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Akhil Dubey S/O- Rakesh Dubey R/O- 29/19 Sai Enclave, Near G.S. Garden
Chipiyana Buzurg, Gautam Buddh Nagar, Gaziabad (U.P.) Pin- 201009

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Surabhi W/O- Akhil Dubey R/O- Presently Residing At 102,
Pushpanjali Plaza, Vasant Vihar Colony, Boring Road, P.S.- S.K Puri, Dist.-
Patna, Bihar- 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Puneet Siddhartha, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 12118(C) of
2022, in which cognizance has been taken for the offence under
Sections 498(a), 406/34 of the Indian Penal Code.

03. As per prosecution case, the marriage of the
complainant was solemnized with the petitioner through website
'*shadi.com*'. The allegation against the petitioner and other co-
accused persons is that of physically and mentally torturing the
complainant on account of non-fulfillment of demand of dowry
of Rs. 50 lacs. Sister-in-law of the complainant poured boiling
water upon her, causing burn injuries.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The complainant has lodged the present case with completely false, frivolous and bogus allegations. From the complaint petition, it is apparent that general and vague allegations of demand of dowry and physical and mental torture have been levelled against the petitioner. The dispute arose as the petitioner and his family members came to know about the true nature of the complainant, who does not believe in Indian family system. The complainant is an ultramodern lady and she is not happy with the marriage as she was forced in this marriage by her parents. There is no specific allegation of assault or physical torture against the petitioner and there is no injury report to substantiate the same. The petitioner works in Merchant Navy and half of the time, he stays outside the country. Due to threats and cruelty inflicted by the complainant, the petitioner has filed a case for divorce under Section 13(1) of the Hindu Marriage Act, 1955 bearing Matrimonial Case No. 1625 of 2022 in the court of learned Principal Judge, Family Court, Gautam Budh Nagar, Uttar Pradesh. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna/concerned court in connection with Complaint Case No. 12118(C) of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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