

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28104 of 2024

Arising Out of PS. Case No.-2337 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Mayank Bharadwaj S/o- Deo Nanadan Sharma Village- Swami Sahjanand
Nagar Main Road H. No-194, Rewa Road Bhagwanpur Ps- Sadar Dist-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amita wife of Mayank Bharadwaj, D/o- Virendra Pandey R/o- Goshala
Road Muzaffarpur Ps- Mithanpura Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Priya Saran Singh, Advocate
For the O.P. No.2	:	Mr. Abhishek Subarno, Advocate
For the State	:	Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Ram Priya Saran Singh, learned counsel
for the petitioner, Mr. Abhishek Subarno, learned counsel for the
O.P. No.2 and Mrs. Shaheen Begum, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2337 of 2020 for the
offences punishable under Sections 498-A, 323, 324 and 374 of
the Indian Penal Code and under Section 3/4 of the Dowry
Prohibition Act but the learned Court below has taken
cognizance only under Section 498 A of the Indian Penal Code
and under Section 3/4 of the Dowry Prohibition Act.



3. According to prosecution case, the petitioner along with other co-accused persons is said to have demanded dowry from the family members of the complainant and on non-fulfillment of the same they tortured her and ousted her from her matrimonial house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that due to some dispute the complainant was not ready to live with the family members of the petitioner, therefore, the petitioner has filed the Matrimonial Suit No.1189 of 2020 on 14.08.2020 before the competent Court of law in the State of West Bengal under Section 13(1)(ia) of the Hindu Marriage Act and when the complainant has come to know that the petitioner has filed the aforesaid suit then she filed the present complaint petition on 31.10.2020 only to harass the petitioner. He further submits that the divorce suit was decided vide order dated 21.02.2023 in favour of the petitioner and thereafter the complainant has moved before the Hon'ble Apex Court in S.L.P. Civil No. 618 of 2023 but the same was dismissed vide order dated 20.07.2023.



5. Learned Additional Public Prosecutor for the State as well as learned counsel for the O.P. No.2, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the complainant has filed the case against the order dated 21.02.2023 before the competent Court of Law.

6. Considering the aforesaid facts that after the order dated 21.02.2023 passed in Matrimonial Suit No.1189 of 2022, there is no relationship between the petitioner and O.P. No.2 as husband and wife, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Sub Divisional Judicial Magistrate (East), Muzaffarpur in connection with Complaint Case No.2337 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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