

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28825 of 2024**

Arising Out of PS. Case No.-10087 Year-2022 Thana- PATNA COMPLAINT CASE District-  
Patna

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Dhiraj Kaushik Son of Kaushlendra Singh Resident of Village- Bajra, Police  
Station- Hisua, Dist.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Dhiraj Kaushik Resident of Mohalla- Postel Park, Indira  
Nagar, Road No. 7, P.S.- Jakkanpur, District- Patna

... .. Opposite Party/s

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**Appearance :**

|                    |   |                    |
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| For the Petitioner | : | Mr. Hridayal Kumar |
| For the State      | : | Mr. Akbar Ali      |
| For the O.P.No.2   | : | None               |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      22-08-2024                      Heard learned counsel for the petitioner and learned  
  
A.P.P. for the State. Despite valid service of notice, neither  
  
anybody appears on behalf of complainant/opposite party no. 2  
  
nor any *Vakalatnama* has been filed on her behalf.

2. The petitioner, husband of the opposite party no.  
  
2, apprehends his arrest in a complaint case punishable for the  
  
offence under Section 498A of the Indian Penal Code and  
  
Section 3 & 4 of the Dowry Prohibition Act.

3. Allegation against petitioner is of matrimonial  
  
cruelty and demand of dowry.

4. While denying the allegations made in the  
  
complaint petition, learned counsel for the petitioner submits



that petitioner has been falsely implicated in this case merely because he happens to be husband of opposite party no. 2. He never committed any torture with opposite party no. 2 or demanded dowry and is still ready to keep her 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 the learned S.D.J.M., Patna in connection with Complaint Case No. 10087(C) 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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