

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32537 of 2023

Arising Out of PS. Case No.-1170 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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KUNDAN KUMAR SON OF SHRI RAM CHANDRA RAM Resident of
village - Kusmaut, P.S - Neemachandpara, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Kumari Wife of Kundan Kuma Resident of village - Haspur, P.S -
Nayagaon, Distt. - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Though notice has validly served upon the opposite
party no.2 as well as Vakalatnama has also been filed by her
counsel, but nobody appears on her behalf today in the Court.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498(A) of
the Indian Penal Code .

4. Petitioner, who is husband of opposite party no2., 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. Petitioner 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 first marriage of the complainant was solemnized with one Sajan Roy and she has a son of eight years from her first husband and when her husband was died, at the advice of the relatives of the complainant, the petitioner accepted her as wife, but later on she was adamant to solemnize her third marriage and when the objection was raised by the petitioner for the same, she filed the present complaint case against him with false allegations. The petitioner has 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.*** It is further submitted that the petitioner is ready to keep her with full honour and dignity.

6. 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. 1170C of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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