

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30148 of 2024

Arising Out of PS. Case No.-2258 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Bhushan Kumar Rai S/O Jhari Lal Rai R/O Village- Gohpur, P.S- Garkha,
Distt.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manti Devi W/O Bhushan Kumar Rai R/O Village- Gohpur, P.S- Garkha,
Distt.- Saran. At present resident of Village- Anuni, P.S- Garkha, Distt.-
Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Dr. Kumar Uday Pratap, APP
For the O.P.-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-08-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State. Despite valid service of notice, nobody

appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no.

2, apprehends his arrest in a complaint case punishable for the

offence under Section 498A, 323 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 any dowry and is still ready to keep the opposite party no. 2 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., Saran at Chapra in connection with Complaint Case No. 2258 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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