

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35619 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Binod Mandal @ Vinod Mandal S/O - Upendra Mandal R/O - Vill -Charaiya
Ward No 12, Birnagar, P.S - Bhargama , District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritan Devi, W/o Binod Mandal R/o Charaiya Ward No. 12, Veernagar, P.O.
Charaiya, P.S. Bhargama, District – Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bambahadur Jha, Advocate
For the State	:	Mrs.Veena Kumari Jaiswal, APP
For the O.P.No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-09-2024 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 Sections 323, 494, 498A, 34 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 demanded any dowry or committed torture with opposite party no. 2 or and is still ready to keep the opposite party no. 2 and children 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*.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight 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., Madhepura in connection with Complaint Case No. 265 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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