

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35979 of 2024

Arising Out of PS. Case No.-816 Year-2023 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Rahul Kumar S/o Dev Kumar Singh @ Dev Kumar R/o Bari Yousufpur, P.O.
- Hajipur, P.S. - Industrial Area Hajipur, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari W/o Rahul Kumar R/o vill - Bari Yousufpur, P.O. - Hajipur,
P.S. - Industrial Area Hajipur, Distt. - Vaishali, At Present Maikey Address
D/o Ramesh Kumar Singh, R/o vill - Minapur (Near Pani Tanki), P.O. -
Hajipur Police Station - Town Hajipur, Distt. - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-09-2024 Despite valid service of notice, no one appears on
behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. The petitioner apprehends his arrest in connection with
Complaint Case No. 816 of 2023 offences punishable under
Section 498A of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

4. As per complaint case, allegation against the petitioner
is of matrimonial cruelty and demand of dowry.

5. Learned counsel appearing on behalf of the petitioner
submits that petitioner happens to be husband of the
complainant and present case has been lodged due to petty
family dispute. Allegation of assault and demand of dowry is



general and omnibus. It is further submitted that petitioner is ready to keep the complainant/opposite party no. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 816 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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