

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35869 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Amit Kumar Seth @ Amit Kumar @ Guddu Son of Madan Prasad Seth
Resident of Badi Durga Mandir, Chaman Lal Ka Talab, Ward No.- 21,
Bhabua, P.S.- Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Devi Daughter of Krishna Prasad W/o Amit Kumar Seth, Resident of
Pali Road, Daga Park, Dehri, Ward No.- 22, P.S.- Dehri (Town), District -
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. In the present case, the petitioner is
apprehending his arrest in connection with Complaint Case No.
53 of 2023, filed on 28.02.2023 for the offences under Sections
498A, 406, 120B, 354, 354B, 494, 504, 506/34 of the Indian
Penal Code.

3. As per prosecution case, the petitioner is the
husband of the complainant and there is allegation that dowry of
Rs.Ten lakhs was demanded and the complainant was tortured
and assaulted by the petitioner and his family members and the
complainant was driven out from her matrimonial home from



time to time.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Prior to the lodging of the complaint case, the complainant has filed Dehri Mahila P.S. Case No. 53 of 2022 showing date of occurrence from the year 2001 to 22.08.2022 when the FIR was lodged. When the petitioner got bail in that case, with false allegation the present complaint case has been lodged. Learned counsel further submits that even the FIR was lodged when the petitioner filed a divorce case vide Matrimonial (Divorce) Case No. 127 of 2022 on 24.05.2022. After getting the notice in the divorce case, firstly the FIR vide Dehri Mahila P.S. Case No. 53 of 2022 was lodged on 22.08.2022 and thereafter, the present complaint case has been lodged. The date of occurrence is completely made up and is not believable. The allegation of demand of Rs. Ten lakhs is further not believable in the light of fact that the marriage has been solemnized in the year 2001 and there is a daughter aged about 15 years from the said marriage. So demand of dowry after 21 years of the marriage is completely not believable. The complainant has spoiled the life of herself as well as the petitioner by filing criminal cases and petitioner is having otherwise clean antecedent.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the complainant may be issued notice for her appearance in this case.

6. I do not think any need to issue notice to the complainant.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dehri-on-sone, Rohtas/concerned court in connection with Complaint Case No. 53 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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