

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44040 of 2024

Arising Out of PS. Case No.-529 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Rohit Kumar Son Of Lalo Sahni Resident Of Village - Lal Darwaja, Gita Babu Road (Nishad Tola), Police Station - Kotwali, District - Munger

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rima Kumari Daughter Of Dhuruv Mandal Resident Of Kashnagar, Ward No. 2 Kash Nagar, Sonbarsa Raj, P.S. And District - Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-09-2024 Despite valid service of notice, none appears on behalf of O.P. No. 2.

2. Heard learned counsel for the petitioner and State.

3. The petitioner apprehends arrest in a case registered for the offences punishable under Sections 498(A), 323, 504 of the Indian Penal Code.

4. Allegation against the petitioner is of matrimonial cruelty and harassment of O.P. No. 2 due to non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and they also have a daughter. It is next submitted that after sometime, O.P. No. 2 left



matrimonial house for 30 days but she did not return. After trying to convince her for sometime, petitioner finally filed a suit for restitution of conjugal rights under Section of the Hindu Marriage Act bearing Matrimonial Case No. 150 of 2023 before Family Court, Munger. Petitioner never demanded dowry from the O.P. No. 2. It is further submitted that petitioner is ready to keep the complainant, 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. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned Judicial Magistrate, 1st Class, Saharsa in connection with Complaint Case No. 529 of 2023, subject to condition as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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