

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42754 of 2023

Arising Out of PS. Case No.-1291 Year-2015 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Prabhakar Dutt Pandey S/O Dinesh Chandra Pandey R/O Village- Dhanoti,
PS. Sukhpura Dist. Ballia (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Pandey W/O Prabhakar Dutt Pandey, D/O Bihari Pandey R/O Village-
Dhanoti, Ps. Sukhpura Dist. Ballia (Uttar Pradesh). Present Address R/O
Village- Panditpur, Ps. Buxar Muffasil Dist. Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 03-09-2024 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. 1291C of 2015 offences punishable under
Section 498A of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

4. As per prosecution case, the marriage of the opposite
party No. 2 was solemnized with this petitioner in the year
2005. Thereafter, when informant went to her matrimonial
house, this petitioner along with the accused persons started



demanding dowry, and due to non-fulfillment of the same, they assaulted and tortured her, and thereafter, informant was ousted from the matrimonial house.

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 Sub-Divisional



Judicial Magistrate, Buxar in connection with Complaint Case
No. 1291C of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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