

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44367 of 2024

Arising Out of PS. Case No.-759 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Vijay Pandey Son Of Sitaram Pandey Village- Baghakol, Tetariyan, Ps- Ara
Mufassil, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Pandey Wife Of Vijay Pandey Village- and PO- Badki Sahjauli, PS-
Sahpur, Dist- Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Parijat Saurav, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the O.P.-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-09-2024 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 498A, 323, 406, 504, 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. Learned counsel for the petitioner denies the
allegation made in the complaint petition and 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 ready for amicable settlement with the opposite party no. 2. As a matter of fact, petitioner had filed a divorce case, vide Matrimonial Case No. 157 of 2022 before the Family Court, Bhojpur, Ara and in retaliation, this false and concocted complaint case has been odged.. 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., Bhojpur at Ara in connection with Complaint Case No. 759(C) 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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