

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51646 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- BUDHUCHAK District- Bhagalpur

Bipin Kumar S/O Mahendra Mandal @ Mahendra Prasad Singh R/O Village-
Bhola Tola, P.S-Budhuchak, District-Bhagalpur Petitioner
Versus

1. The State Of Bihar
2. Sindhu Kumari D/O Upendra Mandal, resident of village Bhola Tola,
Police Station Budhuchak, District Bhagalpur
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

11 07-08-2024 Heard learned counsel for the petitioner and the State.

Inspite of valid service of notice, nobody appears for opposite party no.2.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Sections 498A, 504/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

3. As per the FIR dated 21.12.2020, opposite party no.2 was married with the petitioner three years back. It is alleged that after a year of the marriage, petitioner along with other family members started demanding dowry and committed torture on opposite party no.2 due to non-fulfilment of dowry demand. Accused persons also ousted opposite party no.2 from the matrimonial house.

4. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner has falsely been implicated in this case because he is husband of the victim. Opposite party no.2 herself does not want to live in her



matrimonial house. However, petitioner is ready to keep the victim in matrimonial house with honour and dignity. Charge sheet has already been filed in the case. Besides this, the case is triable by the 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 of the case, in the event of arrest or surrender within six 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 Additional Chief Judicial Magistrate XIII, Bhagalpur in Budhuchak Police Station Case No. 66/2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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