

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52690 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Harihar Kumar Son of Ram Sevak Das Resident of village - Sirsi, Bariarpur
Ward No.- 3, P.S.- Khodawandpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Swati Kumari Wife of Harihar Kumar Daughter of Sadhu Sharan Das,
Resident of village - Sirsi, Ward No.- 3, Tola Baluaha, P.S.- Khodawandpur,
Dist.- Begusarai at present residing at village and P.O.- Patsa, P.S.-
Hasanpur, Dist.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. Though the notice has validly been served upon the
complainant, but nobody appears on her behalf today to argue
the matter in the Court.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

4. Petitioner, who is husband of complainant, is said to
have tortured upon her physically and mentally and ousted her



from her matrimonial house in association of his family members over the dowry demand. They also tried to kill the complainant by hanging, but anyhow she managed to save herself.

5. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. He has falsely been implicated in the present case due to ulterior motive. He has neither made any dowry demand nor tormented the complainant over the demand of dowry nor drove her out of her matrimonial home. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the complainant herself did not want to live in her matrimonial house with her in-laws. She left her matrimonial house along with her entire belongings with her own will. It is further submitted that the petitioner also filed Matrimonial Case No. 46/2023 before the learned Court below for restitution of conjugal rights, but in spite of notice, the complainant did not appear in the Court. Petitioner is still ready to keep her with full honour and dignity. The petitioner has 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**. Learned



counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

6. Learned APP for the State opposes the prayer for bail.

7. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 402 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

(Anjani Kumar Sharan, J)

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