

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50540 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Rajdeep Kumar S/o Ashok Yadav R/o vill - Basantpur, Ward No.13, P.S. -
Shankarpur, Distt. - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi D/o Sachchidanand Yadav, W/o Rajdeep Kumar R/o vill -
Kaviyahi, ward no. 14, P.s. - Shankarpur, Distt. - Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 16 of 2023 dated 09.01.2023 instituted for
the offence punishable under Sections 323, 354, 406, 498A of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

3. The case of the complainant in short is that she got
married to this petitioner in the year 2017. It is alleged that at
the time of marriage, Rs. 10 lakh cash, one pulsar motorcycle,
several gold and silver ornaments and other house hold articles
were gifted as dowry. Thereafter, when the complainant went to



live at her matrimonial house, all the accused persons, including this petitioner, started demanding dowry and due to non-fulfillment of the same, they subjected the complainant to cruelty and harassment. It is further alleged that co-accused Ashok Yadav (father-in-law), also tried to forcefully establish physical relations with the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that complainant filed two cases for the same offence committed on 13-12-2022. Firstly, the complainant, lodged FIR bearing Shankarpur PS Case No. 229 of 2022 dated 16-12-2022 against the petitioner and other family members for the alleged offence committed on 13-12-2022. The present complaint case has been lodged on 09-01-2023 for the offence committed from 20-06-2020 to 13-12-2022. It is submitted that complainant, at page 20 of the complaint petition, has stated that when she went to the police station with delay for submitting application where police official of the Police Station asked her to go before the Civil Court for filing case. It is further submitted that the complainant has concealed the actual fact that she had already registered FIR in which, the petitioner has been granted police bail. Lastly, it



has been submitted that the petitioner has one criminal case against him filed by the same complainant, in which he is on police bail.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 16 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM Madhepura, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Khatim Reza, J)

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