

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60336 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Santosh Ram @ Santosh Kumar S/o- Late Paras Ram Village-Dhanupara, P.S.
Ara Town, District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi D/o- Hare Krishna Village- Posawan Ps- Agiawan Dist- Bhojpur
P/A- Kothua Po- Pitro Ps- Agiawan Bazar Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Mahila P.S. Case No. 05 of 2022 dated 19.01.2022, instituted for the offence punishable under Sections 498A/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage of the petitioner was solemnized with the informant in the year 2009. After sometimes, the house of the petitioner fallen down. It is alleged by the informant that petitioner along with his family members used to taunt her for bringing less dowry and demanded Rs. 1 lakh to repair the house. When the informant



refused to pay the asked amount then petitioner along with his family members threw her out of her matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the husband of the informant. Petitioner has lodged a complaint case *vide* Complaint Case No. 1195 of 2021 on 30.11.2021 and in the said case cognizance has been taken against the informant and others on 28.02.2022 under Sections 323, 341, 380, 452, 504/34 of the I.P.C. It is further submitted that the present case has been filed as a counterblast to the case filed by the petitioner. It is next submitted that the petitioner has also filed a divorce case bearing Matrimonial Suit No. 381 of 2021 before the Principal Judge, Bhojpur, Ara. It is further submitted that informant has already performed another marriage on 26.06.2024 with Sunil Ram and she is residing with him. The document of the marriage of informant with said Sunil Ram has been annexed and marked as Annexure P/3. Lastly, it has been submitted that petitioner has no criminal antecedents.

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

6. Earlier notices were issued to the opposite party no.



2 (informant). Office has reported that the notices has been validly served upon opposite party no. 2 with a note that opposite party no. 2 received the notice but refused to sign on the receiving and nobody appeared on behalf of the opposite party no.2.

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 Mahila P.S. Case No. 05 of 2022, he/they 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 S.D.J.M., Bhojpur, Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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