

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60681 of 2023

Arising Out of PS. Case No.-1596 Year-2019 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Ravi Shankar Prasad Rai S/O Ramadhar Rai R/O Village- Nunfara, P.S- Pier,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhubala Kumari w/o- Ravi Shankar Prasad At present R/O D/O-
Nagendra Singh, Vill- Sarhachiya, P.S.- Aurai, Distt- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anish Kumar, Advocate
For the State	:	Mr. Aditya Narayan Singh.1,APP
For the O.P.No2.	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 02-07-2024 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 Section 498(A) of the Indian Penal Code.

3. As per complaint, the complainant was married with
this petitioner in the year 2013 and after the marriage, when
she went to her matrimonial house, she was subjected to torture
and cruelty by this petitioner and other in-laws family members
due to non-fulfillment of demand of car, as dowry, and lastly,
on 02.01.2019, she was ousted from her matrimonial house.

4. Learned counsel for the petitioner, while denying the



allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. However, he is ready to keep the opposite party no. 2 with full honour and dignity. He further submits that petitioner has already filed a matrimonial case i.e. Matrimonial Case No. 285 of 2022 for restitution of conjugal life. 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*. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of 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 learned A.C.J.M. - XIII, Muzaffarpur (East) in connection with Complaint Case No. 1596 of 2019, corresponding to Trial No. 1557 of 2019, 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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