

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57943 of 2023

Arising Out of PS. Case No.-1192 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SHAMBHU KUMAR S/O RAMASHRAY CHAUHAN R/O GOPALPUR,
P.S- SARMERA, DISTT.- NALANDA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MANJUSA KUMARI W/O SHMBHU KUMAR, D/O DILO CHUHAN
R/O VILLAGE- KEWAL BIGHA, P.S- MANPUR, DISTT.- NALANDA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 27-02-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1192C of 2022, disclosing offences under Sections 498-A/323 of the Indian Penal Code.3. The prosecution case, as per the complaint case, is that the marriage of the complainant was solemnized with the petitioner in the year 2013. The complainant stayed at her matrimonial home for ten days and came back to her parental home. She again returned to her matrimonial home, where she gave birth to three children. It has |
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further been alleged that in the year 2020, at the time of Holi festival, the petitioner and other in-laws abused the complainant and demanded Rs. 1,00,000/- and one motorcycle. On refusal of the demand by the complainant, the accused persons tortured complainant physically and mentally and ultimately ousted her from matrimonial home.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case with oblique motive. The marriage solemnized in the year 2013 and after a lapse nine years, the complaint has been lodged. He further submits that the petitioner is ready to keep the complainant with honor and dignity. The petitioner is unemployed and residing in Delhi for earning his livelihood, however, the complainant is undesirable of staying with the petitioner. This Court vide its order, dated 05.09.2023, issued notice to the opposite party no. 2, but despite the service of notice, no one has appeared on behalf of the complainant-opposite party no. 2.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that general and omnibus allegation has been made after a



lapse of nine years of marriage of the parties and despite service of notice upon opposite party no. 2 no one turned up before this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bihar Sharif, Nalanda, in connection with Complaint Case No. 1192C of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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