

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62971 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- BAGHA District- West Champaran

Rajendra Bin son of Prabhu Nishad @ Prabhu Bin Village- Rohua Tola Ps-
Valmikinagar Dist- W.Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Israwati Devi wife of Rajendra Bin, D/o- Ram Bilash Bin Village- Kailash
Nagar, W.No-4, Ps- Bagaha Pathkhauli Dist- W.Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2024

Heard learned counsel for the parties.

2. The petitioner, husband of the opposite party no. 2, apprehends his arrest in a complaint case punishable for the offence under Sections 341, 323, 498(A), 494, 504 and 34 of the Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

3. The case of the prosecution, in brief, is that opposite party no. 2 was married with this petitioner 10 years ago and after some time of the marriage, when she went to her matrimonial house, she was subjected to torture and harassment by this petitioner and other in-laws family members due to non-fulfillment of demand of Rs. One lac, as dowry and



in the meantime, she was blessed with three children. It is further alleged that thereafter, petitioner solemnized second marriage and lastly, opposite party no. 2 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 is husband of the opposite party no. 2. Petitioner is working as a labour and all the three children of opposite party no. 2 are residing with petitioner. Opposite party no. 2 herself left the matrimonial house. However, petitioner is still ready to keep the opposite party no. 2 with full honour and dignity. 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. 1st, Bagaha, District – West Champaran in connection with Bagaha (Pathkhauli) P.S. Case No. 241 of 2023, 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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