

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70682 of 2023

Arising Out of PS. Case No.-224 Year-2019 Thana- COMPLAINT CASE District- Jamui

SURAJ KUMAR SON OF RAJ KUMAR GUPTA @ RAJ KUMAR Village-
Madpa Ps- Dharhara Dist- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Suraj Kumar, D/o. Mano Modi Resident of Village -
Madpa, P.S. - Dharhara, District - Munger, At Present - Village - Sangthu,
P.S. and District - Jamui, Mob. No. 7011527617

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pramod Kumar, Advocate
For the State	:	Md. Shakir Ahmad, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In view of the averments made in the jointness
petition, the jointness petition is allowed and the notice is
treated to be validly served.

3. Despite valid service of notice, nobody appears on
behalf of the complainant/Opposite Party No. 2.

4. The petitioner, husband of the
complainant/Opposite Party No. 2, apprehends his arrest in a
complaint case registered for the offence punishable under
Section 498A of the Indian Penal Code and Sections 3 and 4 of
the Dowry Prohibition Act.



5. As per the prosecution case, the complainant got married with this petitioner on 24.11.2017. After marriage, all the accused persons, including this petitioner, committed torture and harassment upon the complainant/Opposite Party No. 2 due to non-fulfillment of demand of dowry.

6. Learned counsel appearing on behalf of the petitioner, while denying the allegations made in the complaint petition, submits that the petitioner has been falsely implicated in this case merely because he is husband of the complainant/Opposite Party No. 2. However, it is submitted that the petitioner is ready to keep the complainant/Opposite Party No. 2 at her matrimonial house with honour and dignity. It is further submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon the judgment of this Hon'ble 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 claims clean antecedents.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

8. Considering the aforesaid facts and circumstances



of the case, the prayer for grant of anticipatory bail to the petitioner is allowed.

9. Accordingly, in the event of arrest or surrender within six weeks from today, let the 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 Sub Divisional Judicial Magistrate, Jamui, in connection with Complaint Case No. 224C 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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