

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69386 of 2023

Arising Out of PS. Case No.-3024 Year-2019 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Prashant Kumar Jaiswal @ Prashant Kumar Jayswal Son Of Prayag Nath Jayswal @ Prayag Nath Jaiswal Resident Of Village - Bajitpur Chak Kasturi, Ps- Desri, Distt- Vaishali At Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Wife Of Prashant Kumar Jaiswal @ Prashant Kumar Jayswal Resident Of Village - Bajitpur Chak Kasturi, Ps- Desri, Distt- Vaishali At Hajipur Presently Residing At D/O Sri Anil Kumar Chaudhary, Mohalla- R.K. Puram, Street No. 1, Ps- Mithanpura, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Suneil Kumar Thakur
For the Opposite Party/s :	Mr. Manoj Kumar
	Mr. Rajiv Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 07-05-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for complainant / opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2, apprehends his arrest in a case registered for the offence punishable under Sections 498-A / 323 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the marriage of opposite party no. 2 was solemnised with this petitioner on 26.04.2019 and after the marriage, petitioner along with other family



members committed torture to the informant due to non-fulfillment of a 4-wheeler, as dowry. and lastly, she was ousted from her matrimonial home.

4. Learned counsel for the petitioner, while denying the allegations made in the complaint petition, submits that petitioner has been falsely implicated in this case merely because he is husband of the opposite party no. 2. The complainant, without any rhyme and reason, herself left the matrimonial home and the instant complaint case has been filed only with a view to extort heavy amount from the petitioner. Though, a statement has been made in paragraph -7 of the bail petition that petitioner is ready to keep his wife with full honour and dignity, but during course of argument, learned counsel, who appears on behalf of petitioner, submits that petitioner does not want to keep the opposite party no. 2 with him. The petitioner has also expressed his inability to pay maintenance to her. Further, in paragraph – 2 (iii) of the supplementary affidavit, it is stated that petitioner has already taken a loan of Rs. 6,00,000/- (six lacs) from the State Bank of India to cope up with his studies and therefore, he is not in a position either to pay the maintenance or to keep the opposite party no. 2 with him.



5. Considering the nature of accusation and conduct of the petitioner, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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