

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69705 of 2024

Arising Out of PS. Case No.-1767 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Brajesh Kumar, S/o Late Arun Thakur @ Arun Kumar Thakur, Resident of
Village- Ghosrama, P.S- Piyar, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari, W/O Brajesh Kumar, R/O Village- Ghosrama, P.S- N.H.
Piyar, Distt.- Muzaffarpur. Present Address D/O Amarnath Prasad Deo,
Resident of Village- Barheta, P.S- Kalyanpur, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner happens to be husband of the

opposite party no. 2 apprehending his arrest in connection with

T.R. No. 2756 of 2024 arising out of C.R. No. 1767 of 2023,

registered for the offences punishable under Sections 498A of

the Indian Penal Code and Section 4 of the Dowry Prohibition

Act.

3. The marriage of the petitioner was solemnized with

the opposite party no. 2 on 13.06.2019. Soon after the marriage

the opposite party no. 2 was subjected to demand of dowry and



on account of non-fulfillment of the same, she was tortured in various ways, leading to the institution of the complaint case.

4. Learned Advocate appearing on behalf of the petitioner contended that the entire allegation levelled in the complaint is based upon suspicion that the petitioner had illicit relationship with his sister-in-law, which is completely baseless and denied. It is further contended that the present complaint case is nothing but an outburst of the divorce case, filed on behalf of the petitioner bearing Divorce Case No. 554 of 2022 on 14.11.2022. In the aforesaid case, notice has also been issued to the opposite party no. 2 on 09.01.2023. Only after having come to know about the pendency of the divorce case, the present complaint case has been filed. It is also contended that taking into account the nasty nature of the opposite party no. 2, informatory petition was also filed by the father of the petitioner prior to the institution of this complaint. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the facts that prior to the institution of the complaint the petitioner had already filed a



Divorce Case bearing No. 554 of 2022 and this case has been instituted just after the issuance of the notice, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Samastipur in connection with T.R. No. 2756 of 2024 arising out of C.R. No. 1767 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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