

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71583 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- DAWATH District- Rohtas

Jairam Prasad Son Of Sri Bhagwan Prasad R/O Village- Gidha, P.S.- Dawath,
District- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pushpa Devi Wife Of Jairam Prasad Daughter Of Sri Ramchandrar Ram R/O
Village- Gidha, P.S.- Dawath, District- Rohtas, At Present R/O Village-
Morauna, P.S.- Bikramganj, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-06-2024 Despite valid service of notice, nobody appears on
behalf of the O.P. No. 2.

2. Heard learned counsel for the petitioner and the
State.

3. The petitioner apprehends arrest in a case registered
for the offences punishable under Sections 143, 341, 342, 323,
498(A), 504, 506 of the Indian Penal Code.

4. As per prosecution case, all the named accused
persons including this petitioner tortured and harassed the
complainant for non-fulfillment of demand of dowry.

5. It is submitted on behalf of petitioner that the
present application has been filed after lapse of more than 15



years of the marriage and it is highly improbable that after having three children aged about 11 years, 6 years and 10 years, the petitioner would demand dowry and assault the O.P. No. 2. As a matter of fact, the O.P No. 2 left her matrimonial house and thereafter got married with one Raju Prasad of which sister of O.P No. 2 file Complaint Case No. 550 of 2023 against the O.P No. 2 for offences under Sections 494, 498(A), 120(B) of the Indian Penal Code. It is further submitted that petitioner is ready to keep the O.P. No. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, this anticipatory bail is allowed and it is ordered that let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned



Additional Chief Judicial Magistrate- 1st, Bikramganj (Rohtas)
in connection with Dawath P. S. Case No. 116 of 2022, subject
to condition as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Prabhat Kumar Singh, J)

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