

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72390 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- MAIN P.S. District- Gaya

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Rahul Prasad Soni @ Rahul Kumar S/O Lala Prasad @ Lala Prasad Verma
R/O Village- Koriyawan, P.S- Main, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Banti Kumari W/O Rahul Prasad Soni @ Rahul Kumar R/O Village-
Koriyawan, P.S- Main And Distt.- Gaya (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Aryan Singh, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the O.P.-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of informant / 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 341, 323, 504, 506, 498(A) and 34
of the Indian Penal Code and Sections 3 & 4 of the Dowry
Prohibition Act.

3. As per the prosecution case, the marriage of opposite
party no. 2 was solemnized with this petitioner in the year 2020
and after the marriage, petitioner along with other family
members committed torture and harassment to the informant/
opposite party no. 2 due to non-fulfillment of Rs. One lac, as
additional demand of dowry.



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. However, he is ready to keep the opposite party no. 2 to her matrimonial house with honour and dignity. Moreover, the case is triable by the 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 of the case, in the event of arrest or surrender within 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 Judicial Magistrate 1st Class, Gaya in connection with Main P.S. Case No. 30 of 2022, 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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