

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74829 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Prashant Kumar Son of Jagdish Prasad Resident of Vill- Bhaghar, P.S-
Barachatti, District- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Champa Kumari D/O- Suryadev Prasad Dangi, Wife of Prashant Kumar
Resident of Vill- Bhaghar, P.S- Barachatti, District- Gaya (Bihar)
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanchit Singh, Adocate
For the Opposite Party/s	:	Md. Ataur Rahman, APP
For the Informant	;	Md. Javed Jafar Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 390 of 2023 registered under section 498A, 379, 147 and 323 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the complainant states that she was married to the petitioner on 25.6.2020 at the time of covid pandemic. Various gifts were given at the time of marriage. Soon after the marriage, the accused persons including the petitioner herein started to assault and torture the complainant and started making demand of dowry by way of a



four wheeler vehicle and Rs. 5 lakhs in cash. On non-fulfillment of the demand, she was ultimately ousted from her *sasural* on 23.5.2023. There is allegation of assault against her husband i.e. the petitioner herein as also the father-in-law and the mother-in-law.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. The allegations of assault, torture and demand of dowry etc., are all false and concocted. It is for this reason that though the allegation of assault of 23.5.2023, however without any explanation for the delay the complaint was lodged only on 19.6.2023. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the complainant. Learned counsel for the complainant submits that there is direct allegation against the petitioner of torture and assault. The petitioner happens to be the husband of the complainant. Nevertheless the complainant is ready to settle the marriage and reside with the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the



petitioner in the complaint, the specific averment therein that though alleged assault is said to have taken place on 23.5.2023 and she was ousted from the house, however the complaint came to be registered only about a month later on 19.6.2023 and the petitioner having no criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 390 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya.

(Partha Sarthy, J)

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