

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80777 of 2023

Arising Out of PS. Case No.-412 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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JITENDRA KUMAR SON OF BHUVNESHWAR MAHTO R/O WARD NO. 04, VILLAGE- PATPARA NORTH, P.S.- BIBHUTIPUR, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRIYANKA KUMARI D/O PAWAN KUMAR MAHTO R/O VILLAGE- DAMODARPUR, POST OFFICER- SURAULI, P.S.- BIBHUTIPUR, DIST.- SAMASTIPUR AND WIFE OF JITENDRA KUMAR R/O WARD NO. 04, VILL.- PATPARA NORTH, P.S.- BIBHUTIPUR, DIST.- SAMSTIPUR AT PRESENT CONSTABLE IN BIHAR POLICE, POSTED AT DISTRICT SUPERINTENDENT OF POLICE OFFICE, EAST CHAMPARAN AT MOTIHARI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-10-2024 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 341, 504, 392 and 498A of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the complainant. Learned counsel further submits that the marriage of the petitioner with the complainant



was performed on 10.05.2012 and the instant complaint case came to be instituted in the year 2021 i.e. after nine years of marriage with general and omnibus allegation of demand and torture. It is next submitted that the complainant joined the service of the police as a Constable in the year 2018 and thereafter she was not interested in pursuing her conjugal relationship with the petitioner. It is also submitted that notices on the opposite party no. 2 was issued by an order dated 19.12.2023 and from perusal of the Memo No. 75 dated 04.03.2024 of the Superintendent of Police, Bagaha, it would manifest that the same records that notice has been served on the opposite party no. 2. It is submitted that despite notice being served on the opposite party no. 2, the opposite party no. 2 chooses not to appear and contest the case which amply demonstrates that she is not interested in pursuing her conjugal relationship.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 412 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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