

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84350 of 2023

Arising Out of PS. Case No.-1566 Year-2022 Thana- COMPLAINT CASE District- Araria

Shambhu Kumar Singh Son of Foudar Singh, Son of Kudis, R/O Village-
Jhakhadgad, Ward No.-1, P.S.- Chhatapur , District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari D/O- Anil Singh Resident of Village- P.S.- Bhargama, District
Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 02-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a case registered for the offence
punishable under Sections 498-A and 494 of the Indian Penal
Code.

3. As per the prosecution case, the marriage of opposite
party no. 2 was solemnised with this petitioner in the year 2018
and after the marriage, petitioner along with other family
members committed torture to the complainant due to non-
fulfillment of additional demand of dowry and lastly, on
20.05.2022, the complainant alongwith her two children was



ousted from the matrimonial home. The complainant has also alleged that petitioner also solemnized second marriage in June 2022 with another lady.

4. Learned counsel for the petitioner, while denying the allegations made in the complaint petition, 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. He further submits that petitioner has also filed Matrimonial Case No. 185 of 2022 in the court of learned Principal Judge, Family Court, Araria under Section 9 of the Hindu Marriage Act for restitution of conjugal rights (Annexure - 2). 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, Araria in connection with Complaint Case No. 1566-C 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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