

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85681 of 2023

Arising Out of PS. Case No.-10920 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rinku Kumar, aged 40 years, Male, Son Of Shri Naresh Razak, R/O Eastern Lohanipur, Railway Hunder Road, Kadamkuan, P.S.- Kadamkuan, Dist.- Patna.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Ruby Kumari, aged about 34 years, Female, Wife Of Rinku Kumar, D/O Nandlal Razak, Presently Residing At Ramji Chak, Digha Nahar Road, Behind Rajkumar Advocate, Bataganj, Dist.- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Kumar Kaushlendra, Advocate
For the O.P. No. 2	:	M/S. Sumit Kumar Jha and Vijay Shankar Tiwary, Advocates
For the State	:	Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 10920 (C) of 2022 dated 19.09.2022 registered for the offences punishable under Sections 498A and 323/34 of the I.P.C.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant mentally and physically due to non-fulfilment of demand of Rs.



10,00,000/- as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the marriage between the parties was solemnized on 17.02.2016 and the complainant left her matrimonial house on 09.04.2018 and there is a girl child also from the said wedlock. It is submitted that when the petitioner did not fulfill the demand of the complainant of separation from his parents then the present false complaint case has been filed by her against the petitioner and his family members. It is submitted that just after the birth of girl child, the complainant has left her matrimonial house without any rhyme and reason and the petitioner tried to persuade the matter but lastly finding no way, he has filed a Matrimonial Case No. 110 of 2017 for restitution of their conjugal rights in which she had appeared and filed her written statement on 18.02.2018 and in her written statement she has not mentioned even a single word about demand of dowry but suddenly the present complaint case has been filed by her. It is further submitted that mediation



between the parties was done but the same was failed due to arrogant behaviour of the complainant and thus the petitioner was forced to withdraw the said case to enable him to file a case for decree of divorce. The petitioner had also filed Informatory Petition No. 2117 of 2017 dated 15.07.2017 and another Informatory Petition No. 1737 of 2018 on 01.06.2018 in which it was informed to the learned court below that the complainant threatened the petitioner and his family members to implicate them in a false case. Lastly, the petitioner had filed a Matrimonial (Divorce) Case No. 996 of 2018 in which the complainant had also appeared and filed her written statement and in her written statement she has not mentioned even a single word about demand of dowry. It is further submitted that in the year 2022, the complainant had also filed a case under Domestic Violence Act against the petitioner and his family members. It is further submitted that the complainant had also filed a Maintenance Case No. 398 of 2022 on 22.09.2022 in which she has not disclosed this fact that she is a government teacher and getting a handsome salary more than of Rs. 50,000/- whereas the petitioner is working as a Technical Staff in the office of the Hon'ble Court. It is further submitted that finding no way, the petitioner's father filed a complaint case against the complainant



and her maike people in the court of learned Chief Judicial Magistrate, Patna in which cognizance has been taken for the offences punishable under Sections 323, 341, 379 and 506 of the I.P.C. It is further submitted that when the complainant did not let the petitioner to meet his daughter then the petitioner was advised to file a case for custody of girl child and the same is prepared and is going to be filed. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Patna in connection with Complaint Case No. 10920 (C) of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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