

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1541 of 2024

Arising Out of PS. Case No.-1759 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Keshav Kumar S/o Manish Kumar Thakur Resident Of Village Rajpa PO Tira
Jathmalpur PS Kalyanpur, Distt.-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari W/o Keshav Kumar and also D/o Sanjay Kumar Singh R/o
vill-Rajpa P.O-Tira Jathmalpur, P.S-Kalyanpur, Distt.-Samastipur at present
residing at vill and p.o-Dhruvgama,P.S-Kalyanpur, Distt.-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Manish Manish
For the State	:	Ms.Shaheen Begum
For the OP.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 02-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of complainant/opposite party no. 2.

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

3. As per the prosecution case, the marriage of opposite
party no. 2 was solemnized with this petitioner in the year 2019
and after the marriage, petitioner along with other family
members committed torture to the opposite party no. 2 due to
non-fulfillment of demand of dowry and lastly, on 17.07.2022,



the opposite party no. 2 was ousted from her matrimonial home.

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. As a matter of fact, petitioner and his family members neither demanded any dowry nor committed any torture to opposite party no. 2. However, he is ready to keep the opposite party no. 2 to her matrimonial house with full 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 a period of six weeks from today, let 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, Samastipur in connection with Complaint Case No. 1759 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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