

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13541 of 2024

Arising Out of PS. Case No.-1534 Year-2022 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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SURENDRA THAKUR S/O LATE SHRI PARMESHWAR THAKUR
VILLAGE KURSAHA DHARAMPUR PURWARI TOLA, NEAR KALI
MANDIR, WARD NO 5, PS MOHIUDDIN NAGAR- DIST- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR & ANR.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Dhananjai Kumar Singh, Advocate
For the State	:	Mr. Akbar Ali, APP
For Opposite Party No.2 :		N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-07-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. The petitioner apprehends arrest in a complaint
case registered for the offences punishable under Sections 498A,
323, 494 and 379 of the Indian Penal Code.

4. As per complaint case, the complainant was
married with this petitioner on 22.06.2003 as per Hindu rites
and rituals and after marriage, she was blessed with three
children out of the wedlock. Thereafter, this petitioner started
demanding Rs. 2,50,000/- as dowry and due to non-fulfillment



of the same, she was subjected to cruelty and torture and lastly she was ousted from her matrimonial house.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and the complainant has filed this false and fabricated case as a counter-blast of Divorce (Matrimonial) Case No. 208 of 2021, which was filed by this petitioner, with a sole view to mount pressure upon him to withdraw the aforesaid divorce case. As a matter of fact this petitioner never demanded any dowry. There is general and omnibus allegation of commission of assault against this petitioner. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.



8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned J.M. Ist Class, Vaishali at Hajipur, in connection with Complaint Case No. 1534 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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