

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6050 of 2025

Arising Out of PS. Case No.-424 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Santosh Kumar Rajak S/o Bhuneswar Rajak R/o Village- Pranpur, P.S Kasma,
District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Panpati Kumari W/o Santosh Kumar Rajak R/o vill - Pranpur, P.S.- Kasma,
Distt.- Aurangabad. At present Residing with her parents D/o Fenku Prasad,
R/o vill - Gamhari, P.S.- Fesar, Distt.- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Complaint Case no.424 of 2018 registered for the offence punishable under sections 498A, 323 and 341 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the complainant-opposite party no.2 states that she was married to the petitioner herein on 22.4.2015. The couple was blessed with a girl child. Soon thereafter, the petitioner who happens to be her husband started making a demand of motorcycle by way of dowry and on non-fulfillment of the same, the complainant was physically and



mentally tortured and ultimately ousted from the house on 24.5.2018. Soon thereafter the instant complaint was filed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the complainant. The allegations of demand of dowry and the petitioner having solemnised second marriage are all false and concocted. It is in fact the complainant who is not residing with him inspite of all efforts by this petitioner. Learned counsel further submits that the petitioner made efforts by making several attempts to bring her along with child but she was not ready to come. He is still ready to reconcile the matter. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the instant application arises out of a complaint case lodged in the year 2018. The application for anticipatory bail of the petitioner was rejected on merits in the learned Court below on 5.7.2019 directing the petitioner to surrender in the learned Court below, however, the petitioner absconded. Referring to the contents of the order of the learned Court below, it is submitted that a fresh application for anticipatory bail was moved in the learned Court below by the petitioner suppressing the fact of his earlier application of



anticipatory bail having been rejected.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the complaint being of the year 2018, the complainant having appeared in the mediation centre in the learned Court below and having disclosed that the petitioner who happens to be her husband has solemnised second marriage and in view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioner so surrenders within the aforesaid period and prays for regular bail, the same shall be considered on its own merits without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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