

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21875 of 2024

Arising Out of PS. Case No.-121 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Manoj Ram S/o Sushil Ram R/o Village - Sohroal, P.S. - Benipatti, Dist. -
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudia Devi W/o Manoj Ram, D/o Shushil Ram R/o Village - Sohroal, P.S. -
Benipatti, Dist. - Madhubani At present residing at Vill - Gamharia, P.S. -
Benipatti, Dist. - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shantam Shivam, Advocate
For the State	:	Mr. Mohammad Sufyan, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 06-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. The petitioner, husband of the complainant
/Opposite Party No. 2, apprehends his arrest in a case registered
for the offence punishable under Sections 323 and 498A of the
Indian Penal Code.

4. The prosecution case, in brief, is that marriage of
the complainant/Opposite Party No. 2 was solemnized with this
petitioner 9 years ago and after some time of marriage, all the



accused persons named in the complaint petition, including this petitioner, started torturing the complainant for dowry and due to non-fulfillment of demand of dowry, she was ousted from her matrimonial house.

5. Learned counsel appearing on behalf of the petitioner, while denying the allegations made in the complaint petition, submits that the petitioner has been falsely implicated in this case merely because he is husband of the complainant/Opposite Party No. 2. At no point of time, petitioner committed any torture or demanded dowry from the complainant/Opposite Party No. 2. As a matter of fact, marriage of petitioner with the complainant took place 9 years ago and they have three children from the wedlock and, therefore, it cannot be believed that complainant was subjected to torture or there was any matrimonial discord. As a matter of fact, the complainant was pressurizing the petitioner to live separately from the family for which the petitioner was not ready and in retaliation, this false and concocted case has been lodged. It is further submitted that the petitioner is still ready to keep the complainant/Opposite Party No. 2 at her matrimonial house with honour and dignity. It is further submitted that the case is triable by the Magistrate. In this connection, learned counsel for



the petitioner has relied upon the judgment of this Hon'ble 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 claims clean antecedents.

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

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

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 A.C.J.M., Benipatti in connection with C.R. Case No. 211 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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