

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47108 of 2024

Arising Out of PS. Case No.-1784 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Shakha Kumar @ Sakha Kumar Son of Late Padarath Ram R/O Sothgama, P.S.- Vidyapatinagar, Dist.- Samastipur
 2. Raj Kumari Devi Wife of Late Ram Padarth Ram R/O Sothgama, P.S.- Vidyapatinagar, Dist.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Maheshwari Kumari Wife of Shakha Kumar @ Sakha Kumar D/O Ram Pravesh Ram R/O Vill.- Sothgama P.S.- Vidyapatinagar, Dist.- Samastinagar. At Present R/O Vill.- Mahmadpur, P.S.- Mohiuddinagar, Dist.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Mahendra Pratap, Advocate
For the State	:	Mr. Umeshanand Pandit, APP
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-01-2025 In view of earlier order, jointness petition has been filed showing jointness of father of opposite party no. 2 with opposite party no.2, who has received notice on her behalf and as such, notice is treated to be validly served.

2. Heard learned counsel for the petitioners and Mr. Umeshanand Pandit, learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of opposite party no. 2.

3. The petitioners apprehend their arrest in a complaint case punishable for the offence under Section 498A of the



Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. Allegation against petitioners is of matrimonial cruelty and demand of dowry.

5. While denying the allegations made in the complaint petition, learned counsel for the petitioners submits that petitioners have been falsely implicated in this case merely because petitioner no.1 happens to be husband and petitioner no. 2 is mother-in-law of opposite party no. 2. In fact, petitioners never demanded any dowry or committed torture with opposite party no. 2 and petitioner no. 1 is still ready to keep the opposite party no. 2, as his wife, with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioners have 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*.

6. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of **Rs.10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned A.C.J.M. - IV, Samastipur in connection with
Complaint Case No. 642 of 2017 (T.R. No. 1327 of 2024),
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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