

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50827 of 2024

Arising Out of PS. Case No.-1095 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Shambu Kumar Chauhan @ Shambhu Kr. Chauhan @ Shambhu Kumar S/o
Narayan Chauhan R/o vill - Harkichandpur, P.S. - Jalalgarh, Distt. - Purnia
... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/o Punit Prasad Chauhan, W/o Shambhu Kumar Chauhan
R/o vill - Bheriya Rahika, P.S. - Nagar Sahayak Katihar, Distt. - Katihar
... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Mumtaz Uddin, Advocate
For the Opposite Party/s : Ms/Mrs. Asha Kumari, A.P.P.
Mr Madhav Krishna, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-01-2025 Heard learned counsel for the petitioner, the State
and the opposite party no.2.

2. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 498A, 323/34 and other sections of the Indian Penal Code and section 4 of the D.P. Act.

3. Prosecution case in brief is that opposite party no.2 was married with the petitioner in the year 2018. After marriage, this petitioner along with other accused persons started demanding dowry and on non-fulfillment of the same they used to assault and torture her. Lastly, accused persons ousted opposite party no.2 from her matrimonial house.

4. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner is innocent and has falsely been implicated in this case because he happens to be husband of opposite party no.2. Petitioner is ready to keep



her with honour and safety. However, petitioner is unable to give interim relief/solace to opposite party no.2.

5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that the petitioner, being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty for non-fulfillment of demand of dowry and also ousted her to her parents' house. It is further submitted that she has no means of livelihood and is on the verge of starvation. Besides this, petitioner is not paying maintenance amount of Rs.3000/- per month to opposite party no.2 in compliance of order dated 18.3.2023, passed by the Family court, Katihar.

6. Considering the nature of accusation against the petitioner and his conduct in not paying maintenance amount as ordered by the Family Court, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

