

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52564 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHILA PS District- Katihar

Rupesh Kumar Poddar @ Santosh Son Of Bhola Poddar Village- Sindri
(Colony), Ps- Nirsha, Dist- Dhanbad, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Kirandeep @ Rupa Daughter Of Shri Shyama Nand Poddar Village-
Jagannathpuri, Barmasia, Ps- Katihar, Sahayak, Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Adv.
For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP
Mr. Ritesh Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-01-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
informant/opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a case registered for the offence under
Sections 498-A, 341, 323, 504, 506, 34 of the Indian Penal
Code and Section 3 / 4 of the Dowry Prohibition Act.

3. The prosecution case, as stated in FIR, is that all
the accused persons including this petitioner subjected the
informant to cruelty and torture due to non fulfillment of dowry
demand of Rs.15,00,000/- and ultimately, she was driven out
from her matrimonial home by the accused persons.



4. Learned counsel for the petitioner, while denying the allegations made in the present petition, submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. The petitioner never demanded any dowry or committed torture to opposite party no. 2. As a matter of fact, the opposite party does not want to live with petitioner and as such, he has filed divorce suit, vide Divorce Case No. 859 of 2023, which is pending before learned Principal Judge, Family Court, Dhanbad, in which informant has been summoned for her appearance and only after coming to know about filing of aforesaid divorce case, the informant has filed present case against petitioner and his family members.

5. Learned counsel for the informant vehemently opposes the prayer and submits that petitioner is husband and he alongwith other family members committed torture and harassment and also assaulted her, as a result of which, opposite party no. 2 was forced to leave the matrimonial house and bound to live in the parent's house and she has no other source of livelihood.

6. Earlier, the matter was sent to the Mediation & Conciliation Centre of Patna High Court, but the dispute



between the parties could not be resolved through the process of mediation and mediation failed (Report kept at flag ‘M’).

7. Considering the nature of accusation and condition of the informant/opp.party no. 2, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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