

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53543 of 2024

Arising Out of PS. Case No.-888 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Pradeep Pathak @ Pankaj son of Late Rajeshwar Pathak Village- Bhawadih
Ps- Kargahar Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi wife of Pradeep Pathak @ Pankaj Village- Bhawadih Ps-
Kargahar Dist- Rohtas, P/A- D/o- Ramanand Shukla Village- Sajjandihra Ps-
Kargahar Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-02-2025 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, 324 and 498A of
the Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

4. The complaint case, in brief, is that marriage of the
complainant/Opposite Party No. 2 was solemnized with this



petitioner on 24.06.2012 and out of the wedlock they were blessed with three children. It is alleged that after marriage, all the accused persons named in the complaint petition, including this petitioner, started demanding motorcycle as dowry and due to non-fulfillment of demand of dowry, all the accused persons assaulted her and lastly on 25.11.2021, they ousted her 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 and complainant took place on 24.06.2012 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. 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 C.J.M., Rohtas at Sasaram in connection with Complaint Case No. 888(C) of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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