

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56495 of 2024

Arising Out of PS. Case No.-3533 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Sonu Rajak @ Sonu Razak @ Sonu Kumar S/o Late Rajendar Baitha @ Late
Rajendra Rajak R/o Village- Heerapur, P.S.- Jandaha, District- Vaishali
... .. Petitioner/s

Versus

1. The State of Bihar
2. Gita Devi W/o Sonu Rajak @ Sonu Razak @ Sonu Kumar R/o vill - Rahasa
Paschim, P.S. - Bhagwanpur, Distt. - Vaishali. At present R/o vill - Heerapur,
P.S. - Jandaha, Distt. - Vaishali
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 30-06-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 323, 324, 342, 379, 406, 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

3. By an earlier order, the matter had been sent to the Patna High Court Mediation and Conciliation Centre for resolution of disputes between the parties but the same has failed due to non-cooperation of opposite party no. 2.

4. The prosecution case is based upon a complaint filed by the opposite party no. 2 in which she has made an allegation of demand of dowry and torture. Petitioner is the husband of



opposite party no.2.

5. Learned counsel for the petitioner submits that the present case arises out of the complaint in which false allegations of demand of dowry and torture has been made. It has been submitted that the petitioner never treated the complainant with cruelty and further it is due to behaviour of the opposite party no. 2, he was compelled to file a divorce case before the learned Principal Judge, Family Court, Hajipur on the ground of desertion and cruelty in which the opposite party no. 2 has appeared and is also contesting the case. The issues have also been framed in the said divorce case and the case is at the evidence stage and averment has also been made in paragraph-13 of the petition that after the filing of the said divorce case, the opposite party no. 2 has come to the house of the petitioner and as of today she is staying in the house of the petitioner. This fact is further substantiated by Annexure-3 which is a certificate given by the Mukhiya.

6. Learned counsel for the opposite party no. 2, however, controverts the submissions made by the learned counsel for the petitioner and rather supports the allegations made in the complaint.

7. Taking into consideration the facts and circumstances



and also considering that the divorce proceeding is going on in which the opposite party no. 2 has already appeared and also considering that the opposite party no. 2 along with her daughter is staying in the house of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 3533 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

8. However, it is expected that the petitioner would be taking care of the expenses of the opposite party no. 2 and his daughter till any other order is passed in any matrimonial or collateral proceeding.

(Soni Shrivastava, J)

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