

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61990 of 2024

Arising Out of PS. Case No.-205 Year-2021 Thana- COMPLAINT CASE District- Lakhisarai

Jay Prasad S/o Shambhu Prasad R/o Village- Baha Chauki, P.S.- Hemjapur,
District- Munger

... .. Petitioner

Versus

1. The State of Bihar
 2. Chandni Kumari D/o Ajay Kumar, W/o Jay Prasad R/o Village- Gari Bishanpur, Post and P.S.- Piri Bazar, District- Lakhisarai
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-05-2025 Heard learned counsel for the petitioner and the State.
Despite valid service of notice, nobody appears for opposite party no.2.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 323, 498A/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner was married to opposite party no.2 in 2018. After sometime, petitioner and his family members started demanding dowry of Rs.5 lacs, a motorcycle and a television and on non-fulfilment of demand of dowry, accused persons committed torture on opposite party no.2 and ousted her from the matrimonial house.

4. Learned counsel appearing for the petitioner while denying the allegations, submits that the petitioner has falsely been implicated in this case because he is husband of the victim. Petitioner has also filed Matrimonial Case No.192 of 2022 before Family Court, Munger for restitution of conjugal rights. Opposite party no.2 herself is not ready to live at her



matrimonial house. Learned counsel submits that the case is triable by the Magistrate. Petitioner has relied upon judgment of this Court, passed in case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006(3) PLJR 182**.

5. Considering the aforesaid facts and circumstances of the case as also the judgment of this Court, in the event of arrest or surrender within eight weeks from today, let this petitioner, as named above, 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 the Judicial Magistrate 1st class, Lakhisarai in Complaint Case No. 205C/2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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