

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66407 of 2024

Arising Out of PS. Case No.-1286 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Raghuvir Kumar son of Janardhan Jamadar village- Pirbarhauna, Ps-
Daniyawar, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Pinki Devi Wife of Raghuvir Kumar village- Pirbarhauna, Ps-
Daniyawar, Dist- Patna At P/A- Residing at sadarpur, Po- Niriya, Tulsipur,
Ps- Chiksoura, Dist- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioner, the learned

APP for the State as well as learned Advocate for the Opposite Party

no.2.

2. The petitioner apprehends his arrest in connection with

Complaint Case No. 1286 of 2022, registered for the offences
punishable under Sections 498(A), 313, 323, 384, 504, 506 of the
Indian Penal Code and 3/ 4 Dowry Prohibition Act, wherein the
learned court has taken the cognizance under Section 498(A).

3. Allegedly, the marriage of the complainant was
solemnized with the elder brother of the petitioner in the year 2010.
However, the elder brother, unfortunately died in the year 2015 and
thereafter, it is alleged that the marriage of the complainant was
solemnized with the petitioner. Soon after this marriage, she was
subjected to demand of dowry and on account of non-fulfillment of



the same, she was tortured. It is also alleged that while the complainant was staying in her matrimonial home, she became pregnant thrice, but all the time she was forcefully aborted.

4. Learned Advocate for the petitioner submitted that admittedly the petitioner is the younger brother of the husband of the Opposite Party no.2 and, in fact, there had never been any marriage solemnized between the petitioner with the Opposite Party no.2. From the wedlock of the elder brother and the Opposite Party no.2, two children were begotten and since both the brothers had already been partitioned, the Opposite Party no.2 had already received her share. On a court question, the complainant herself stated that at no point of time, in the year 2010, when the marriage was solemnized, there was any demand of dowry. Further demand of dowry in the year 2015 from the petitioner appears to be not trustworthy. He further contended that the petitioner is ready to co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposed the pre-arrest bail application and submitted that the complainant was subjected to severe torture and thrice she was forcefully aborted at the hands of the petitioner. Moreover, she was compelled to reside in her matrimonial home and despite the fact, second marriage was solemnized, the petitioner is not keeping her with honor and dignity.

6. Regard being had to the submissions made on behalf of



the parties and considering the nature of allegation as well as solemn affirmation of the complainant, coupled with the fact that there had already been partition between both the brothers and there is no medical report supporting the forceful abortion of the Opposite Party no.2, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M-1st Class, Patna City, Patna in connection with Complaint Case No. 1286 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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