

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45613 of 2024

Arising Out of PS. Case No.-443 Year-2022 Thana- KHUSRUPUR District- Patna

Shivam Kumar Son of Raj Ballav Singh R/O Vill.- Alipur, Bhita, P.S.-
Salimpur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rupam Kumari W/O Shivam Kumar D/O Late Ramakant Prasad R/O
Mohalla- Krishna Nagar, Khushrupur, ward no.- 4, P.O. and P.S.- Khusrupur,
Dist.- Patna, At Present R/O Vill.- Pipra, P.O.- Manoharpur, Kachhuaara,
P.S.- Ramkrishna Nagar, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Nagmani Kumar, Advocate
For the Opposite Party/s :	Mr.Akshay Lal Pandit, A.P.P.
	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-01-2025 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Center of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'A').

2. Heard learned counsel for the petitioner, the State and the opposite party no.2.

3. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under sections 323, 504 and 498A of the Indian Penal Code and sections 3/4 of the D.P. Act.

4. Prosecution case in brief is that opposite party no.2 was married with the petitioner on 9.5.2017. After marriage, this petitioner along with other accused persons started demanding dowry and on non-fulfillment of the same they used to assault



and torture her. Presently, opposite party no.2 is living in her parents' house.

5. Learned counsel appearing for the petitioner, while denying the allegations, submits that the petitioner is innocent and has falsely been implicated in this case because he happens to be husband of opposite party no.2. As a matter of fact opposite party no.2 leads a glamorous life and she left the matrimonial house in 2019 and thereafter she never returned. Thereafter, petitioner filed Matrimonial Case No. 682/2019 which was dismissed as withdrawn on 27.3.2024. When opposite party no.2 came to know filing of the Matrimonial case, she filed two cases on the petitioner. Thereafter, opposite party no.2 filed the present case against the petitioner. Petitioner is ready to keep her with honour and safety. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006(3) PLJR 182**.

6. Learned counsel for the State and opposite party no.2 oppose the prayer for bail. They submit that the petitioner is husband of opposite party no.2 and there is specific allegation that after marriage, this petitioner along with other accused persons started demanding dowry and on non-fulfillment of the same they used to assault and torture her.

7. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six 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



Sub Divisional Judicial Magistrate, Patna City in Khushrupur Police Station Case No. 443 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

shashi/-

(Prabhat Kumar Singh, J)

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