

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70924 of 2023

Arising Out of PS. Case No.-1238 Year-2019 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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ARBIND LAL DEO Son of Karilal Deo R/o vill - Panta, P.S. - Sadar, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Devi D/o Horil Lal Deo R/o vill - Mekana, P.O. - Athar, P.S. - Bahadurpur, Distt. - Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Iqbal Asif Niazi, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Complainant	:	Ms. Shweta Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-12-2025 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the complainant/Opposite Party No. 2.

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

3. As per prosecution case, marriage of the complainant was solemnized with this petitioner as per Hindu rites and rituals and at the time of marriage, Rs. 1,50,000/- was given as dowry. It is alleged that soon thereafter, all the accused



persons named in the complaint petition, including this petitioner, subjected the complainant to cruelty and harassment for bringing insufficient dowry.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is husband of the complainant/Opposite Party No. 2 and has not committed any torture or demanded any dowry at any point of time. As a matter of fact, during pendency of this case, the complainant/Opposite Party No. 2 has solemnized second marriage with one Jitan Lal Deo. It is further submitted that the present complaint case has been lodged in retaliation to Matrimonial Case No. 219 of 2019 which was instituted earlier in point of time by the petitioner for restitution of conjugal rights on 01.08.2019 before the learned Principal Judge, Family Court, Darbhanga. Learned counsel for the petitioner has placed heavy reliance upon judgment of the Hon'ble Apex Court passed in case of *Srikant Kumar versus The State of Bihar and Another* arising out of *S.L.P. (Crl.) No(s). 13083 of 2023*. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and



submitted that petitioner is named in the complaint petition and he happens to be husband of the complainant/Opposite Party No. 2 and there is specific accusation that he, along with other accused persons, mentally and physically tortured the complainant due to non-fulfillment of demand of dowry and subsequently, ousted her from her matrimonial house.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation and gravity of offence, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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