

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77157 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Harijee Upadhyay Son of Madan Mohan upadhyay Resident of village and
Post -Mangrawn , P.S- Kachchhwa, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shuriti Kumari Wife of Harijee Upadhyay, D/O Vijay Tiwary R/O Vill. and
Post- Mangrawn, P.S.- Kachchhwa, Dist.- Rohtas, Bihar. At Present R/O
Village- Suara, P.S.- Baghaila, Dist.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramanuj Tiwary, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 02-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. Earlier vide order dated 19.11.2024, notice was issued to the complainant and subsequently, vide order dated 29.01.2025, it was directed to take steps for fresh service of notice upon complainant and once again, the notice was issued, but the complainant has not appeared in the present proceedings.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 323 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and he is husband of the complainant.

4. The instant case arises out of the complaint filed by the



opposite party no.2, wife of the petitioner, alleging therein that there was demand of Rs. 10 lakh as dowry and the consequent torture upon her.

5. It is submitted by learned counsel for the petitioner that the petitioner is the husband of the complainant. All the allegations levelled against the petitioner are totally based on concocted facts and as a matter of fact, the petitioner has always been ready to keep his wife with due dignity and honour, but it is the complainant who is not desirous of staying in her matrimonial house. It is next submitted that the complainant is living with another person and that is precisely the reason why she is not interested in staying with the petitioner.

6. Learned APP for the State opposes the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case as well as the clean antecedent 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 Rohtas
Complaint Case No. 289 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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