

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80384 of 2024

Arising Out of PS. Case No.-10098 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Diplesh Kumar Kushwaha S/o Ram Vinay Singh Kushwaha R/o Village-
Baga, P.S- Ameenabad, District- Bhojpur. Petitioner/s
Versus

1. The State of Bihar
2. Suman Kumari W/o Deeplesh Kumar Kushwaha, D/o Birju Mehta R/o vill -
Bari Digha, XTTL, Lakshminiya Gali, P.S. - Digha, Distt.- Patna, at present
C/o Manoj Singh, Kurthaul, P.O.- Kurthaul, P.S.- Parsa Bazar, Distt.- Patna
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 07-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. No one appears on behalf of the opposite party no. 2
despite of issuance of notice.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 498A of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The prosecution case is based upon a complaint filed
by the opposite party no. 2 in which she has made an allegation of
demand of dowry and torture. Petitioner is the husband of
opposite party no.2.

4. Learned counsel for the petitioner submits that the
allegations levelled in the complaint are not correct and as a
matter of fact, the petitioner has always been ready to keep the
opposite party no.2 with full dignity and honour, while the
opposite party no. 2 herself is not ready to reside in the



matrimonial house. This statement of the petitioner stands substantiated by the fact that he has also filed a matrimonial case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. This fact is supported by an undertaking dated 09.06.2022 given by her, which is Annexure-P/4, wherein she has stated that she has left the matrimonial household by her own wish as she wants to stay away from her husband. Further, the petitioner is a physically handicapped person since childhood and right now he is a software engineer posted at New Delhi.

5. In such view of the matter, 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 Complaint Case No. 10098 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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