

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82070 of 2024

Arising Out of PS. Case No.-2343 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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BALINDER KUMAR SON OF BUDHAN RAM RESIDENT OF MANI
CHHAPRA, P.S.- CHAKIYA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUMITRA DEVI WIFE OF BALINDER KUMAR, D/O- MUNNI RAM
RESIDENT OF MANI CHHAPRA, P.S.- CHAKIYA, DISTT.- EAST
CHAMPARAN, AT PRESENT VILLAGE- BARA GOVIND, P.S.-
CHAKIYA, DISTT.- EAST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Adv.
For the State	:	Mr. Akbar Ali, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. Earlier vide order dated 10.12.2024, notices were issued to the Opposite Party No.2. From perusal of the service report available on record, it appears that the notice by ordinary was received by Opposite Party No.2 personally, but the Opposite Party no.2 has chosen not to appear in the present proceeding.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 406, 307, 504, 323, 506 of the Indian Penal Code and Section



$\frac{3}{4}$ of the Dowry Prohibition Act and he is the 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. 2 lacs and the consequent torture upon her. She was also ousted from her matrimonial home after snatching the *stridhan* in spite of knowing that she is pregnant.

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 is totally absurd and based on concocted facts. It is further submitted that there is inordinate and abnormal delay of sixteen months in filing the complaint petition without assigning any plausible and convincing reason for the said delay. It is further submitted that prior to the cognizance in the present case, the petitioner has filed a Matrimonial Case No. 570/2023 dated 04.11.2023 under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights, which is annexed as Annexure-P/3 series of the present application. The further submission made on behalf of the petitioner is that both the parties are residing together. However, nobody appears on behalf of the complainant to support the said submission.



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

7. Considering the facts and circumstances of the case, let the above named petitioner, who has no criminal antecedent, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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. 2343(C) 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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