

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89988 of 2024

Arising Out of PS. Case No.-1823 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Kanhaiya Kumar @ Kanhaiya Kumar Das Son of Late Jagdev Das Resident
of Station Road, Shishamill, Sonaro Road, Patel Nagar, P.S. Fatwah, Distt.-
Patna

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Indu Devi Wife of Kanhaiya Kumar Das, Daughter of Late Ram Charitra
Mallik Resident of Teghra Purani Bazar, In front of Arya Samaj Mandir,
P.S.- Teghra, Distt.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar , Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-04-2025 Heard learned counsels for the parties. Despite

valid service of notice , nobody appears on behalf of Opposite

party No. 2.

2. The petitioner apprehends his arrest in a complaint

case registered for the offence punishable under Sections 498A

and 494 of IPC .

3 . The prosecution case , in brief, is that marriage of

the complainant was solemnized with this petitioner in the year

2005 and after marriage, complainant went to her in-laws

house . It is alleged that after marriage , all the accused persons,

including this petitioner, started demanding dowry and due to



non-fulfillment of demand of dowry the complainant was tortured and ousted from her matrimonial house . It is further alleged that petitioner has also solemnized second marriage .

4. It is submitted by learned counsel for the petitioner that the petitioner is husband of complainant/Opposite Party No. 2. Petitioner is innocent and has committed no offence . Petitioner has never tortured the complainant or demanded any dowry. As a matter of fact, complainant herself left the house of petitioner in the year 2010 after giving birth of second son and since then petitioner himself take care of both children . Petitioner also made all his effort to bring complainant back to her matrimonial house but all his endeavour gone in-vain . He further submits that by the intervention of local people an agreement of separation has been made between the parties on 29.04.2017 in presence of witnesses and the same was also notarized. Complainant has also filed Maintenance Case No. 105 (M) / 2018 on 26.10.2018 before Principal Judge Family Court Begusarai which shows that this complaint case has been lodged only to make pressure on petitioner for getting maintenance . It is lastly submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon the judgment of this Hon'ble Court in the case of



Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors.

Vs. The State of Bihar, reported in ***2006(3) PLJR 182.***

Petitioner claims clean antecedent.

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

6. Considering the aforesaid facts and circumstances, nature of accusation, clean antecedents of the petitioner and other circumstances of the case , the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned SDJM Begusarai in connection with Complaint Case No. 1823 (C) of 2018 , subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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