

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70621 of 2023

Arising Out of PS. Case No.-1380 Year-2022 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Deepak Kumar S/O Sri Sonelal Rawat R/O Village- Methurapur, P.S- Sadar,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Bharti D/O Sanjit Kumar R/O Village- Methurapur Nayatola, P.S- Sadar, Distt.- Muzaffarpur, Wife Of Deepak Kumar Resident Of Village- Meturapur, P.S- Sadar, Distt.- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-01-2026 Heard the parties.

2.The petitioner is named in the complaint case and apprehending his arrest in connection with Complaint Case No. 1380 of 2022 registered for the offences punishable under Sections 323, 498A of IPC and Section 4 of D.P. Act.

3. The allegation against petitioner is to commit cruelty upon complainant alongwith family members due to non fulfillment of demand of dowry as raised for cash of Rs. 5 lakh and one four wheeler.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that the present is the glaring example that how the provision of 498A of IPC, was misused by the society. It is submitted that to settle the property dispute the complainant who never married with petitioner as she is the niece of the petitioner, filed the present false and frivolous complaint case claiming her as wife of this petitioner. In support of her submission said fact was averred on affidavit through present bail petition and same is mentioned through para 10 and 11 of the present bail petition. While concluding argument, it is submitted that even the allegation of demand of dowry and cruelty appears very much general and omnibus against this petitioner.

5. Taking contrary to the aforesaid submission, it is submitted by learned counsel for the OP No. 2 that the marriage of complainant with petitioner was solemnized on 18.04.2019, however, he could not disputed the factual submission that complainant is the niece of the petitioner.



6. In view of aforesaid factual submission and by taking note of fact as marriage, in issue, appears *prima-facie* disputed, coupled with the fact that allegation qua demand of dowry and cruelty appears general and omnibus as raised through present complaint petition, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, East Muzaffarpur/concerned Court, where the case is pending in connection with Complaint Case No. 1380 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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