

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4904 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Sandeep Kumar Mishra S/O Girjanand Mishra Resident of vill-
Nanour,P.S-Rudrapur,Distt.-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Rupa Kumari verma D/O Late Shukeshwar Prasad Verma Resident of
Mohalla-Doda Godown,Hal Sahab Ki Kothi,P.S-Town,Distt-Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 26-06-2015

Heard both sides.

The petitioner is seeking anticipatory bail in a case
under section 498A and other sections of the Indian Penal Code.

The petitioner solemnized love marriage with the
complainant. The complainant made allegation of demand of
dowry and torture.

It is submitted that the complainant had earlier filed
Muzaffarpur Town P.S. case No. 33 of 2010 against Himanshu
Raj and others under section 376/120B of the IPC. During the
course of trial the complainant deposed that she was earlier
married to Himanshu Raj in paragraph 21 of her deposition. It is

submitted that after knowing the fact that the complainant was earlier married to Himanshu Raj the petitioner filed Matrimonial Case No. 114 of 2014 on 05.04.2014 thereafter the complainant filed this case. The allegation of demand of dowry and torture is false and concocted.

Learned counsel for the complainant vehemently opposed the prayer for bail and submitted that Himanshu Raj on the pretext of marriage with the complainant established physical relationship but later on he refused to marry with the complainant and that is why the complainant filed Muzaffarpur Town P. S. case No. 33/2010. The complainant thereafter married with the petitioner and the petitioner after marriage subjected her to physical and mental torture due to non-fulfillment of demand of dowry.

Considering the facts and nature of allegation made against the petitioner and the fact that the petitioner came to know about illicit relation of the complainant with Himanshu Raj after marriage filed matrimonial suit for dissolution of marriage and thereafter this complaint petition is filed, let the petitioner, above named, in the event of his arrest/ surrender in the court below within a period of four weeks from today be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) each with

two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Muzaffarpur (East) in connection with complaint case No. 126/2014, corresponding to T. R. No. 2334/14, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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