

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30420 of 2014

Arising Out of PS.Case No. -1401 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Prabhat Kumar @ Prabhash Kumar Son of Awadhesh Prasad r/o Isua, P.S.-
Giriak, Distt.- Nalanda at present residing at Mohalla- Chaukhandipur, P.S.-
Bihar, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Prabhat Kumar @ Prabhash Kumar daughter of
Dular Mahto r/o Sahpur, P.S.- Rahui, Distt.- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 08-04-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 498 (A), 323, 406, 494 and 114 of the I.P.C and section 3 of the Dowry Prohibition Act.

The Complainant who was married with the petitioner, allegedly due to non fulfillment of demand of dowry by way of Rs. 1,00,000/- and other materials was tortured and assaulted in various ways and lastly ousted her from the in-laws house.

Submission on behalf of the petitioner is that the Complainant has married with one Monu @ Mannu with whom

she is living and for that the petitioner has filed a complaint case in the court of C.J.M. Biharsharif against the Complainant and in that case cognizance has been taken by the court under sections 494 and 379 of the I.P.C. and thereafter this complaint case has been filed as counter blast to the aforesaid case and as such the petitioner deserves sympathetic consideration. It is submitted that the petitioner has filed divorce case also.

The learned A.P.P. duly assisted by the learned counsel for the Complainant opposes the prayer for pre-arrest bail by submitting that the petitioner is husband and he is responsible for all the misdeeds.

Considering that this complaint case has been filed after filing of the complaint case by the petitioner wherein cognizance has been taken under sections 494 and 379 of the I.P.C against the Complainant and as such the petitioner in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. S.D.J.M. Biharsharif, Nalanda in Complaint Case No. 1401 of 2012, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

Abhay/-

(Jitendra Mohan Sharma, J)

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