

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29911 of 2015

Arising Out of Complaint Case No. -810 Year- 2014 Thana -VAISALI COMPLAINT CASE
District- VAISHALI(HAJIPUR)

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1. Prabhat Tiwary @ Prabhat Kumar Son of Surendra Tiwary, Resident of
Village - Sahori, P.S. -Sarai, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Soni Kumari Wife of Prabhat Tiwary @ Prabhat Kumar Resident of
village - Keshrama, P.S. Fakuli, Distt. - Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 31-07-2015 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 as well as learned Additional

Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Complaint Case No. 810 of 2014 in which cognizance has been

taken for the offences punishable under Section 498A of the

Indian Penal Code and Section 4 of D.P. Act.

The marriage of petitioner was solemnized with

opposite party no. 2 on 20.05.2009 and the present complaint case

was filed in the year 2014. According to complaint case, she was

ousted from her matrimonial home on 05.03.2014 and since then

she is residing at her natal home.

The contention on behalf of the petitioner is that the opposite party no. 2 herself does not want to lead her conjugal life with the petitioner. It is further contended by him that much prior to filing of the present complaint case, the petitioner filed Matrimonial Case No. 47 of 2013 in the court of Principal Judge, Family Court, Vaishali at Hajipur for Bidagari of opposite party no. 2 and the aforesaid petition clearly demonstrates that opposite party no. 2 had left the house of the petitioner much earlier prior to 05.03.2014.

Learned counsel appearing for the opposite party no. 2 submitted that opposite party no. 2 was humiliated and assaulted by the petitioner prior to filing of complaint case and that is the reason she is not ready to go to her matrimonial home.

From perusal of the impugned order, I find that the learned Sessions Judge made attempt to patch up the dispute of the parties but opposite party no. 2 flatly refused to lead her conjugal life with the petitioner on the pretext of alleged torture and illegal demand.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/

surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Vaishali at Hajipur in Complaint Case No. 810 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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