

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36437 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -MOKAMAH District- PATNA

=====

Gaurav Kumar son of Sri Diwakar Prasad Singh, resident of village-
Chintamanichak, Police Station- Mokama, Dist.- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Smita Kumari, Wife of Gaurav Kumar, Resident of Village –
Chintamanichak, Police Station – Mokama, District – Patna.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Mritunjay Prasad Singh, Advocate.

For the Opposite Parties : Mr. Ataur Rahman(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-08-2016 Heard both sides.

The petitioner apprehends his arrest in Mokama P.S.
Case No. 02 of 2015 registered for the offences punishable under
Sections 498(A), 323, 504 and 34 of the Indian Penal Code.

The informant alleged that she was married to the
petitioner on 06.03.2011 and thereafter she was voluntarily living
in her Sasural. The husband of the informant is running a school in
Jamshedpur. She alleged that her mother-in-law and father-in-law
subjected her to torture requesting their son to change the girl. She
also alleged that the petitioner and his parents demanding Rs.
5,00,000/- for smooth running of the school.

It is submitted that the wife did not make any sorts of

allegation against the petitioner. When demand was made it is not stated in the fardbeyan. The true facts are that the brothers of the informant came and assaulted the parents of the petitioner for which Diwakar Prasad Singh, father of the petitioner, lodged Mokama P.S. Case No. 01 of 2015. The wife of the petitioner lodged the present case only to save her own skin.

On the other hand, learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail and submitted that the informant is ready to live with her husband. It is further submitted that the petitioner also demanded dowry and the petitioner did not allow the informant to live with him at Jamshedpur.

But from perusal of the FIR itself, it appears that the informant-wife of the petitioner did not make any sorts of specific allegation that the petitioner ever subjected her to torture due to non-fulfillment of demand of dowry. The informant made allegation of torture against her in-laws and not against the petitioner. Learned counsel for the petitioner submits that the petitioner is always ready to keep his wife.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of

receipt/production of a copy of this order, is directed to 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 Sri Ashutosh Kumar, the Judicial Magistrate, 1st Class, Barh, Patna in Mokama P.S. Case No. 02 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--