

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30019 of 2017

Arising Out of PS.Case No. -2157 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Shiv Shankar Kumar @ Horil Son of Sukhdeo Bhagat, resident of
Mohalla- Jagdamba Nagar Bairiya, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari, Wife of Shiv Shankar Kumar @ Horil at present residing
at Village- Panapur, P.S.- Meenapur, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Amit Kumar Rakesh
For the State : Mr. Ramchandra Sahani

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner, learned
counsel for the Complainant and learned APP for the State.

Petitioner seeks bail in connection with Complaint
Case No. 2157/15, Tr. No. 2662/16 for offences punishable
under Section 498-A of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

The prosecution case, as lodged by the complainant
Mamta Kumari, is that her marriage was performed in the year
2014 and large number of items including jewellery was given as
gift, but the husband, who is the petitioner, and the family
members started torturing her for non-fulfillment of demand of



dowry.

It has been submitted by the learned counsel for the petitioner that he is innocent, in fact, the complainant does not want to live with him, as such, a case for restitution of conjugal rights has been filed by the petitioner in the court of learned Principal Judge, Muzaffarpur being Matrimonial Case No. 452 of 2014 and is ready to keep his wife with full dignity and honour.

However, learned counsel for the complainant opposes the prayer for bail but has no objection for his release if the complainant is kept with full dignity and honour by the petitioner.

Learned APP for the State also opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged on provisional bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., East Muzaffarpur in connection with Complaint Case No. 2157/15, Tr. No. 2662/16, subject to the condition that the petitioner will appear before the learned court below on 08.08.2017 and the court below, on noticing the complainant and on being satisfied that the



petitioner will keep the complainant with full dignity and honour, unless the complainant does not want to live with the petitioner, will confirm the provisional bail granted to the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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