

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6428 of 2017

Arising Out of PS.Case No. -206 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Sudhanshu Kumar, Son of Shri Pramod Kumar, Resident of Mohalla- Jai Prakash Nagar, Nala Road, Police Station- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nisha Nidhi, Daughter of Snt Kumar, resident of Sai Colony, Ram Dayalu Nagar, Police Station- Sadar (Muzaffarpur), District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-02-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint No. 206 of 2015, disclosing offences under Sections 498(A) of Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture and assault on account of non-fulfillment of dowry demand.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against this petitioner and no specific case of assault or demand of dowry is attributed to him. In fact, the petitioner, who is a Software Engineer, admits the marriage with the complainant, who is also said to be Software Engineer. At the same time, it is also admitted that



petitioner-husband by way of Matrimonial (Divorce) Case No. 31 of 2015 got divorce from the complainant by the order dated 23.06.2016 passed by the Principal Judge, Family Court, Khagaria on account of extra-marital relation of the complainant with one Atul Sinha. In the aforesaid background, it can be very well assumed that since the divorce petition was filed by the petitioner, who is said to have been living separately from the complainant for long time, for dissolution of his marriage, the complainant has filed the complaint case only to harass the petitioner and his family members by concocting prosecution story on erroneous grounds. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Sub- Divisional Judicial Magistrate, East Muzaffarpur, in connection with Complaint Case No. 206 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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