

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54863 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Kishlay Kishor son of Sri Kishore resident of Bombay Colony, Jamui, P.S.
Jamui, District - Jamui.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanjita Kumari @ Nidhi W/o Sri Ram Chandra Prasad, resident of
Bharawpar (Sri Durga Sthan Gali) PS Laheri, Distt. Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Dr. Amrendra Kumar Mr. Anwar Karim
For the Opposite Party/s	:	Mr. Shantanu Kumar Mr. Sudhir Kumar Raj

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 28-06-2017 Heard Dr. Amrendra Kumar, learned counsel assisted
by Mr. Anwar Karim, learned counsel for the petitioner, Sri
Shantanu Kumar, learned Addl. Public Prosecutor as well as Sri
Sudhir Kumar Raj, learned counsel for the informant.

The petitioner, apprehending his arrest in Nalanda
(Bihar) Mahila P.S. Case No. 87 of 2016 registered for offence
under Sections 498(A), 379, 504, 323/34 of the Indian Penal Code
and Sections 3 & 4 of the Dowry Prohibition Act, 1961, has
prayed for grant of bail in the event of his arrest/surrender. The
allegation against the petitioner is that the petitioner, being
husband, alongwith his other family members had assaulted the



informant/opposite party no. 2 due to non-fulfillment of demand of dowry.

It was submitted by learned counsel for the petitioner that the petitioner and his entire family members have falsely been implicated. He submits that F.I.R. was lodged in the present case on 14-07-2016, in which, it was alleged that the wife/opposite party no. 2 was assaulted by the petitioner and his other family members due to non-fulfillment of demand of dowry. By way of referring to F.I.R. itself, learned counsel for the petitioner submits that the informant herself had admitted in the F.I.R. that the petitioner had earlier filed a divorce case. Learned counsel for the petitioner has further drawn my attention to **Annexure – 3** to the petition i.e. Matrimonial Case No. 200 of 2014 filed under Section 13 of the Hindu Marriage Act, 1955. He has also drawn my attention to the ordersheet in Matrimonial Case No. 200 of 2014 to show that divorce case was filed on 16-12-2014, whereas, the present F.I.R. was lodged in the year 2016.

Learned Addl. Public Prosecutor as well as Sri Sudhir Kumar Raj, learned counsel for opposite party no. 2 have opposed the prayer of petitioner. Sri Sudhir Kumar Raj, learned counsel for the informant, by way of referring to counter affidavit of opposite party no. 2, submits that the petitioner, on complete false



allegation, has filed the divorce case. Even before this Court, he has brought on record certain irrelevant documents.

Be that as it may, considering the fact that divorce case was filed by the petitioner in the year 2014 and opposite party no. 2/wife, knowing well about the filing of the divorce case, has lodged the present F.I.R., not against the petitioner but his entire family members, the Court considers that it is a fit case for extending the privilege of bail in the event of arrest or surrender.

Accordingly, let the petitioner namely Kishlay Kishor, in the event of his arrest or surrender within a period of six weeks from today, 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 learned Sub Divisional Judicial Magistrate, Biharsharif in connection with Nalanda Mahila P.S. Case No. 87 of 2017, subject to condition as contained under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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