

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8037 of 2019

Arising Out of PS. Case No.-734 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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MUKESH KUMAR Son of Sri Kapildeo Rai Resident of Village - Aghlalpur,
P.O.- Dashara, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Raj, wife of Sri Mukesh Kumar Daughter of Surendra Rai, At present
Resident of Village - Godai Sarai, P.S.- Hajipur Sadar, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr. Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 15-07-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 734/2018 registered under Sections 307,

313, 323, 379, 498A and 504B of the Indian Penal Code.

Allegation against the petitioner is that marriage of the
complainant along with the petitioner was solemnized on
04.05.2017 in which gift and cash etc, were given, however,
after some time, the petitioner along with other family members
started demanding four-wheeler from the complainant and due
to non-fulfillment of demand, accused persons started torturing
her mentally and physically.

It appears that the matter was referred to mediation where
both parties agreed that they would live together and in
pursuance thereof petitioner and O.P. No. 2 proceeded together



to their house at Patori, Samastipur.

A supplementary affidavit has been filed on behalf of the petitioner, in which, it has been stated that they reached Hajipur, residence of O.P.No. 2, where she refused to take bus for Patori and insisted that her parents are coming and after meeting them, she would depart to Patori i.e., her matrimonial home. It has further been stated that parents of O.P.No. 2 arrived and started abusing the petitioner and took away O.P. No. 2 along with them for which petitioner lodged FIR being Sonpur (Hajipur) Rail P.S.Case No. 58 of 2019 under Sections 323, 341, 504 and 506/34 of the Indian Penal Code . It is further stated in the affidavit that O.P. No. 2 also lodged an FIR against the petitioner, after the FIR lodged by the petitioner, stating therein that petitioner took O.P. No. 2 on foot up to Hajipur, which amounts to torture to her.

By order dated 26.06.2019, in presence of learned counsels for the petitioner as well as O.P.No. 2, case was listed on 15.07.2019 in Chambers at 4:00 P.M. with understanding that both, petitioner as well as OPNo. 2, would be present personally along with their respective counsels. Today, when the matter has been taken up, petitioner, who is serving in Indian Army at Jammu and Kashmir, is present in Chambers, but neither



counsel of the O.P.No. 2 nor O.P.No. 2 is present in person.

Learned counsel for the petitioner submits that petitioner is ready to keep his wife with all dignity and care, however, the wife is not willing to stay with the petitioner. He further submits that allegation of demand of dowry is vague and omnibus in nature and is highly improbable inasmuch as petitioner is working as Sepoy (General Duty) in Indian Army and is posted in Jammu and Kashmir, will demand four-wheeler!

After having heard learned counsel for the petitioner and taking into consideration the fact that petitioner is ready to keep his wife and willingness of the petitioner is apparent on the face of it that he came all along from Jammu and Kashmir to be present before this Court, however, neither O.P. No. 2 nor her advocate appeared today before this Court in Chambers. Accordingly, I am inclined to grant privilege of anticipatory bail to the petitioner as such provisional bail granted to the petitioner vide order dated 13.02.2019 is hereby confirmed and the bail bond furnished by the petitioner shall be treated to be the bail bond submitted pursuant to this order.

(Anil Kumar Sinha, J)

sujit/-

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