

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9549 of 2019

Arising Out of PS. Case No.-2281 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Santosh Kumar Ram, aged 28 years, Male, Son of Kailash Ram, Resident of
Village- Bhikhanpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kumari Priyanka, Wife of Santosh Kumar Ram, Daughter of Raghunath Ram,
Resident of Village- Rampur Jaipal, P.O.- Sanathi, P.S.- Bochaha, District-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant, is
apprehending arrest in a complaint case, wherein process has
been directed to be issued, after cognizance being taken for the
offence punishable under Section 498(A) of the Indian Penal
Code and Section 4 of the D.P. Act.

The prosecution case as per the complaint petition is that
the complainant was married with the petitioner on 17.05.2014,
but subsequent to the marriage, further dowry demand of
Rs.50,000/- cash and a motorcycle was made and due to non-
fulfillment of the same, torture was inflicted upon her.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner has filed Matrimonial Suit No.133 of 2017 before the Principal Judge, Family Court, Muzaffarpur for restitution of conjugal rights and thereafter the present case has been lodged against the petitioner. It is further submitted that similar was the stand of the petitioner before the learned Court below, but in spite of issuance of notices to the complainant by the learned Court below, the complainant failed to appear before the learned Court below and she has performed second marriage with one Anil Kumar.

Learned APP submits that the accusation is specific against the petitioner.

Considering the aforesaid facts and nature of accusation, let the above named petitioner be released on provisional anticipatory bail for a period of six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **S.D.J.M., East Muzaffarpur** in connection with **Trial No.2587 of 2017 arising out of Complaint Case No.2281 of 2017**, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in two eventualities, if on notice being issued by the learned Court below, the complainant fails to appear before the learned Court below, or, if she appears or admits the factum of her second marriage.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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