

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12837 of 2019

Arising Out of PS. Case No.-300 Year-2014 Thana- DANAPUR District- Patna

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Murlidhar Srivastava @ Sri Murlidhar Srivastava, son of Bageshwar Prasad Srivastava @ Sri Bageshwar Prasad Srivastava, Resident of Village - House no. 50, Nehru Nagar, Ghaziabad, P.O.- Ghaziabad, P.S.- Singhani, Distt.- Ghaziabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Namrata Srivastava D/o Sri Subodh Prasad, Wife of Murlidhar Srivastava, Resident of Village - Dwarkapuri, Khagaul, P.S.- Khagaul, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Danapur P.S. Case No.300 of 2014 for the offence punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner is that he used to demand dowry from the informant and her family members and upon non-fulfillment of demand, he used to torture the informant.

Learned counsel for the petitioner submits that the allegation against the petitioner is false inasmuch as he submits that prior to lodging of this First Information Report, he has



already filed matrimonial suit before the Court at Gaziabad which has now been transferred at the behest of the informant by the Supreme Court to Patna.

Learned counsel further submits that this First Information Report is a counter blast to the divorce suit filed by the petitioner and the petitioner is ready for any sort of settlement with the informant for reconciliation of dispute. The petitioner, during the course of argument upon instruction, has offered to pay a sum of Rs. 15,000/- per month to the informant as living cost subject to final order, if any, is passed in the Maintenance case and Divorce suit between the parties. However, learned counsel for the informant is not ready to accept offer and submits that the bail of the petitioner should be rejected.

Learned counsel for the informant further submits that the petitioner has concealed the fact in the bail application inasmuch as he has not stated in paragraph 3 regarding the previous case filed by the informant against the petitioner in which the petitioner was granted bail by this Court in Cr. Misc. No.19220 of 2009.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the Opposite



Party No.2 and taking into consideration the fact that there is serious marriage dispute between the parties and the petitioner has already filed divorce suit against the informant in 2008 and the present case has been filed in one after another inasmuch as in 2009, a case was filed and settlement was arrived at between the parties and thereafter the informant remained with her husband for some time and again the dispute arose between the parties. It appears to the Court that there is complete incompatibility between the parties and the fact that the living cost offered by the petitioner is not being accepted by informant, i.e., Opposite Party No.2, who insisted for rejection of bail, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

