

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18710 of 2019

Arising Out of PS. Case No.-325 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Kanoj Kumar @ Kanoj Kumar, Son of Sambhu Rai Resident of Village-
Tajpur, Bujurg, P.S.Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Puja Devi W/o Kanoj Kumar Kanoj Kumar, D/o Vinay Rai Resident of
Village- Parmanandpur Lal, P.S.- Mahua, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh
For the Opposite Party/s	:	Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 31-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.325 of 2018, Tr. No.3201 of 2018 for the
offence punishable under Section 498(A)/34 of the Indian Penal
Code and Section 3/4 of Dowry Prohibition Act.

The allegation against the petitioner, as per the
complaint is that the marriage of the complainant was
solemnized with the petitioner on 25.05.2014 in which various
articles were given as a gift to the petitioner. It has further been
stated that out of the wedlock, one female child was born,
however, subsequently, the petitioner along with other family



members started demanding Rs. 2 lakhs in cash from the complainant as dowry and due to non-fulfillment of the demand, the petitioner along with other family members started torturing the complainant mentally and physically and dragged the complainant from her house and thrown from her matrimonial house.

Mr. Sunil Kumar Singh, learned counsel appearing for the petitioner submits that there is incompatibility between the petitioner and Opposite Party No.2 and petitioner has filed a Divorce Case bearing No.344 of 2017 before Family Court, Vaishali at Hajipur in which the complainant-opposite party No.2 appeared on 29.01.2018. Learned counsel further submits that after filing of the divorce case by the petitioner, the Complaint case under Section 498 (A) has been lodged by the complainant-Opposite Party No.2 on 15.02.2018. Learned counsel further submits that allegation against the petitioner is general and omnibus in nature of demand of dowry.

It appears that day before yesterday, nobody was appearing on behalf of Opposite Party No.2 and today also no one appears on behalf of Opposite Party No.2.

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



taking into consideration the fact that the petitioner has already filed a divorce case in which the complainant-opposite party No.2 has appeared and after appearance in the divorce case, the present complaint case under Section 498(A) has been filed, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, 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 S.D.J.M., Vaishali at Hajipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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