

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24819 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Jitendra Kumar, aged about 24 years, male, Son of Sri Bindeshwar Thakur,
Resident of Village Gorigamadih, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari, Wife of Jitendra Kumar, Resident of village Gorigamadih,
P.S.- Saraiya, District- Muzaffarpur at Present residing at the house of her
father Munshi Thakur in Village Fatehabad, P.S.- Paru, District-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 239 of 2018 registered under Section
498(A) of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

Petitioner who happens to be husband of the
complainant is said to have tormented the complainant over
dowry demand and tried to strangle her to death on
22.01.2018, anyhow she was saved. Finally she was driven out
of her marital house by the petitioner on the same date. Since



then she has been living in her maternal house.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner has neither made any dowry demand nor subjected the complainant to any sort of torture. As a matter of fact, the complainant herself left her marital house 3-4 days later to the marriage and did not regress to her marital house despite sending legal notice. Ultimately the petitioner filed divorce case no. 305 of 2016 against the complainant on 03.08.2016 on the ground of desertion, etc. In the said divorce case, complainant filed an application under Section 24 of the Hindi Marriage Act and herself admitted that she has been left in the maternal house by the petitioner 3-4 days later to the marriage. Aforesaid fact itself belies the prosecution case. Despite giving legal notice to the complainant she has not regressed to her marital house and is not ready to live with the petitioner rather she is having pre-marital love affair with some other person and wants to marry and live with her beau.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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. West, Muzaffarpur in connection with Complaint Case No. 239 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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