

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25070 of 2019

Arising Out of PS. Case No.-704 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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ANSHUMAN KUMAR @ ANSUMAN KUMAR Son of Sri Shashi Kumar
Dubey Permanent Resident of Village - Hansa, P.O. and P.S. - Warisnagar,
Distt- Samastipur, presently residing at Sri Sai Enclave, Flat No. 401, Block
C, Amethiya Nagar, P.O. and P.S.- Namkum, Distt - Ranchai. (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sneha Ojha Wife of Anshuman Kumar Resident of Village - Jarangi, P.O.
Jarang Rampur, P.S.- Pathedi Welsar, Distt – Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-07-2019 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned A.P.P. for the State.

The petitioner has filed this application for grant of bail
apprehending his arrest in connection with Complaint Case No.704
of 2018 (T.R. No.3254 of 2018)registered for the offence under
Section 498(A) of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.

The allegation as per the complaint is that the complainant
was married to the petitioner on 01.07.2016. At the time of marriage,
it is alleged that dowry and various articles were given, however,
soon after the marriage further demands started. The accused persons
started misbehaving with the complainant, assaulting her and they
started to torture her. They were not ready to hear any reason and



bent upon demanding a sum of Rs.5/- lacs.

It is submitted by learned counsel for the petitioner that the petitioner who is the husband of O.P.No.2 has been falsely implicated in this case by his wife in order to harass him and his family. The allegation as levelled in the complaint are false and, in fact, the complainant is not interested to live in her matrimonial house and she is not ready to stay with the petitioner's parents. It is further submitted that the petitioner filed a suit for restitution of conjugal right wherein a written statement has been filed by the complainant categorically stating therein that the marriage has totally failed and it is not possible for her to live with the petitioner.

Counsel for the complainant submits that the petitioner is her husband against whom there is direct allegation in the complaint of demand of dowry and of having caused mental and physical torture on the complainant. It is further submitted that so far as the suit for restitution of conjugal right is concerned, the same was filed by the petitioner to set up a defence as he was in know of the fact that a case would be lodged against him and his family members. A prayer is made that the case be sent for conciliation.

Heard learned counsels for the parties.

In view of the categorical statement of the complainant in paragraph 28 of the written statement filed in the suit for restitution of conjugal right as also in view of the statements on solemn affirmation of the complainant before the court in the complaint case



that she is not ready to stay with her husband, I do not think it proper to send the case for conciliation. Further taking into consideration the fact that the suit for restitution of conjugal right was filed on 01.12.2017 and the complainant followed by filing the complaint four months after the said suit, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Hijipur, Vaishali, in Complaint Case No.704 of 2018 (T.R. No.3254 of 2018) subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Partha Sarthy, J)

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