

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31293 of 2019**

Arising Out of PS. Case No.-3173 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Shashikant Singh @ Chandan S/O Late Nandlal Singh, R/o Village- Kartaha,
P.S.- Kartaha, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @ Priyanka Singh W/O Shashikant Singh @ Chandan R/O Village- Kartaha, P.S.- Kartaha, District- Vaishali at present D/O Hareshwar Prasad Singh, R/O Village- Mahipura, P.S.- Jandaha, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rina Sinha, Advocate
For the Opposite Party/s	:	Mr.Barun Kr. Singh, Advocate
		Ms. Pratima Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P.

The petitioner apprehends his arrest in Hajipur Complaint Case No.3173 of 2017 for the offence allegedly committed by the petitioner under Section 498(A) of the Indian Penal Code.

The complainant alleged that she was married to the petitioner on 24.02.2011 but due to non-fulfillment of demand of dowry, the complainant was subjected to all sorts of torture by the petitioner and others. It is further alleged that on 24.09.2017 the complainant was driven out from the house and



assaulted by the accused persons.

Learned counsel for the petitioner submits that the petitioner is the husband of the complainant. The petitioner filed Divorce Case No.323 of 2017 on 07.11.2017 on account of abnormal behaviour of his wife. It is further submitted that the wife of petitioner is suffering from mental illness and she does not behave in a normal way. It is further submitted that even from perusal of the complaint petition, it would appear that the complainant was driven out from the house on 24.09.2017 but the complaint case was registered on 13.12.2017. When the complainant knew about filing of the divorce case, she filed the complaint case more than one month after filing of the divorce case.

Learned counsel for the complainant and learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the complainant is ready to live with her husband. The husband is not ready to keep the complainant with all honour and dignity.

Having considered the facts that prior to institution of the complaint case, the husband filed divorce case on the ground that his wife is mentally abnormal and she is not able to live normal life and thereafter the complainant filed present



complaint case, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Vaishali at Hajipur in connection with Hajipur Complaint Case No.3173 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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