

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33511 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Suraj Sah @ Suraj Kumar, Son of Sri Chandeshwar Sah, Resident of Mohalla
- Gaushala Road, infront of St. Xavier School, Ward no.-46, P.S.- Mithanpura,
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushuboo Kumari, Wife of Suraj Sah, Presently residing with her father Sri Ashok Sah, Resident of Village - Rahimpur Rudauli, P.S.- Samastipur Muffasil, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioner and learned
counsel representing the complainant.

Petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No.285 of 2018
registered for the offence punishable under Section 498A of the
Indian Penal Code.

Learned counsel for the petitioner submits that in fact
earlier when a matrimonial dispute arose between the parties a
settlement took place vide Annexure-2 series in presence of
Panchas. The complainant received a sum of Rs.1,75,000/-
which were allegedly given to the petitioner at the time of his



marriage from the wife's side. The father of the petitioner had then given Rs.1,75,000/- and an understanding was reached where both the parties started living separately. It is submitted that after about two years, the petitioner filed a divorce case and a notice of the divorce case was served upon the complainant then the present complaint case came to be filed in which cognizance has been taken under Section 498A of the Indian Penal Code by learned A.C.J.M.-V, Samastipur.

It is thus submitted that the case has been lodged at this stage only to harass this petitioner.

Learned counsel for the complainant has opposed the prayer for anticipatory bail of the petitioner as according to her the documents as contained in Annexure-2 series are not genuine documents.

Having heard learned counsel for the petitioner and the complainant, finding that the documents as contained in Annexure-2 series show that there had been a settlement between the parties in presence of the Panchas and then on a stamp paper of Rs.1,000/- an understanding has been recorded and thereafter when the petitioner filed a divorce case the present complaint case has been filed by the complainant, let the petitioner above named in case of his arrest or surrender within



four weeks from today in connection with Complaint Case No.285 of 2018, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Samastipur, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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