

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37962 of 2019

Arising Out of Case No.-4284 Year-2018 PATNA COMPLAINT CASE District- Patna

RAHUL KISHORE Son of Ram Das Prasad Resident of Mohalla - Shiv
Nagar, West of Beur Jail, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Smt. Vidyamani Wife of Sri Rahul Kishore Resident of Mohalla - Shiv
Nagar, West of Beur Jail, P.S.- Beur, District- Patna. At present - B/31, A.G.
Colony, Asiyana Nagar, P.S.- Shastrinagar, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-06-2019 Heard Mr. Rama Kant Sharma, the learned senior
counsel for the petitioner, the learned APP and Mr. Ashok
Kumar Singh, the learned counsel for the complainant.

The petitioner apprehends his arrest in Complaint case
No. 4284C of 2018 registered under Section 379, 498A of the
IPC and under Section 3/4 of Dowry Prohibition Act.

The complainant, wife of the petitioner, disclosed in
the complaint petition that complainant was married to the
petitioner on 17.02.2005. She remained in her Sasural but her
husband and other in-laws subjected her to physical and mental
torture and drove her out from the house in the year 2014 and
since then she is residing in the house of her parents. It is further



alleged that husband of the petitioner never accepted her on the ground that she does not look smart and husband of the complainant advised her for plastic surgery. It is further alleged that her husband deserted her since the year 2014.

The learned senior counsel for the petitioner submits that petitioner filed Divorce case No. 357 of 2015 in the court of Principal Judge, Family Court, Patna on the ground of desertion and cruelty and only thereafter the wife of the petitioner filed the complaint case in the year 2018. It is further submitted that petitioner was always willing to keep his wife but the wife herself behaved cruelly with the petitioner and she never wanted to live with petitioner at his working place. The petitioner finding no option filed the divorce case. It is further submitted that this complaint case is filed only to put undue pressure on the petitioner and the petitioner deserves anticipatory bail.

On the other hand the learned counsel for the complainant and the learned APP submits that wife is ready to live with her husband. She got a female child aged about seven years and there is nobody to look after the complainant and her child. On the point of willingness to keep the complainant, the learned senior counsel for the petitioner submits that now the petitioner is not willing to live with his wife.



It appears that much prior to filing of the present complaint case the petitioner filed Divorce case No. 357 of 2015 on the ground of cruelty and desertion. It also appears that complainant herself stated in the complaint petition that she was driven out from her matrimonial house in the year 2014 but the present complaint was filed only in the year 2018.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the 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 his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, 1st class, Patna in connection with Complaint case No. 4284C of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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