

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39664 of 2019

Arising Out of PS. Case No.-2767 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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SANJEEV KUMAR MISHRA Son of Hare Krishna Mishra Resident of Village- Dargha Mahmadpur, P.O.- Mahmadpur, P.S.- Sakra, District- Muzaffarpur, and at present resident of Mohalla- Dhighi Kala East, P.O.- Dhighi Kala, P.S.- Sadar, District- Hajipur at Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Nilam @ Nilu Kumari Wife of Sanjeev Kumar Mishra Resident of Village- Dargha Mahmadpur, P.O.- Mahmadpur, P.S.- Sakra, District- Muzaffarpur, at present resident of (in- Laws) Mohalla- Dhighi Kala East, P.O.- Dhighi Kala, P.S.- Sadar, District Hajipur at Vaishali and at present resident at daughter of Vimal Kishore Thakur, resident of Village- Kadhiyo, P.O.- Bishunpur Bejha, P.S.- Mahuwa, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rupa Kumari, Advocate. Mr. Yugal Kishore, Advocate.
For the State	:	Mr. Ajay Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case no. 2767 of 2017, registered under Sections 498A, 323, 379 and 307 of the Indian Penal Code.

Petitioner who happens to be husband of the complainant is said to have subjected the complainant to various sorts of torture over dowry demand and on protest against having illicit affair by the petitioner with his sister-in-



law along with his family members. He also does not take care of the complainant and her mentally challenged son.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case. He neither made any dowry demand nor ever subjected the complainant to any sort of torture. He has been paying maintenance to the complainant. He has filed divorce petition against the complainant and after filing of the divorce petition complainant has filed this false and frivolous case against the petitioner as an after thought. Hence he may be enlarged on anticipatory bail.

Learned APP for the State opposing the bail petition submitted that petitioner happens to be husband of the complainant and has subjected the complainant to various sorts of torture over dowry demand and has also not taken proper care of the complainant and her mentally challenged son. He is also not willing to take her to her marital house. It is the duty of the petitioner to keep the complainant with him with full honour and dignity. Hence he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the



case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner on the very date of his surrender in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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