

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41037 of 2019**

Arising Out of PS. Case No.-1594 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Kumar Gaurav @ Kumar Gaural Son of Ajay Prasad Singh, Resident of Village - Sulabh Sauchalay Chaar Fatak Road, Mohaddipur Gorakhpur, P.S.- Mohaddipur, Distt - Gorakhpur. (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari Wife of Kumar Gaurav @ Kumar Gaural, Resident of Village - and P.O - Karnauti, P.S.- Jandaha, Distt - Vaishali, At present Matrimonial Address - Sulabh Sauchalay Chaar Fatak Road, Mohaddipur Gorakhpur, P.S.- Mohaddipur, Distt - Gorakhpur (U.P), At present Parental Address - Village - Dilawarpur Purvi , P.S. and P.O.- Bidupur, Distt - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioner, learned counsel for the complainant and learned A.P.P. for the State.

The petitioner apprehends his arrest in Complaint Case No.1594 of 2017 for the offences allegedly committed by the petitioner under Section 498(A) of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

The complainant filed complaint case on 30.06.2017 alleging therein that the marriage of the complainant was solemnized on 10.12.2010 with the petitioner and the complainant went to her in-laws' house but immediately



thereafter the husband of the complainant and other in-laws began to demand one Alto Car and due to non-fulfillment of additional demand of dowry, she was subjected to all sorts of torture. She further alleged that she gave birth to a child but the complainant was driven out from her in-laws' house on 30.05.2015 and since then she is living in her parents' house.

Learned counsel for the petitioner submits that the complainant made allegation that the petitioner has got illicit relation with his maternal aunt and only for this reason, the complainant filed complaint case in the year 2017. According to the allegation, the complainant was subjected to all sorts of torture immediately after her marriage due to non-fulfillment of additional demand of dowry and she was driven out from the house on 30.05.2015 but the complainant did not file complaint case nor complained about ill behaviour of the petitioner to any authority. It is further submitted that after filing of the complaint case the complainant also filed divorce case but the petitioner is ready to keep his wife.

Learned counsel for the complainant, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that even the petitioner has kept the child of the complainant and the custody of the child is not



handed over to the complainant. It is further submitted that the complainant did not file complaint case immediately after being subjected to different sorts of torture only keeping in view the future prospect and with a hope that relation will become cordial but when the complainant did not see any light of improvement, she filed the complaint case.

It appears from the complaint petition itself that although the complainant alleged that she was subjected to all sorts of torture immediately after her marriage with the petitioner due to non-fulfillment of additional demand of dowry, but the complainant has not satisfactorily explained the reasons as to why she did not complain to any authority about ill behaviour of her husband and other in-laws. She also gave birth to a child and according to her, he was driven out from the house on 30.05.2015 but even then she did not file any complaint case. She filed a complaint case only in the year 2017.

Having considered the facts aforesaid, 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 S.D.J.M., Hajipur, Vaishali in connection with Complaint Case No.1594 of 2017 (T.R No.2989 of 2018), 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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