

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61110 of 2018

Arising Out of PS. Case No.-623 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Sanjay Kumar Son of late Ram Chandra Prasad, Resident of Villag- Bich Bazar Akbarpur, Police Station- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. State of Bihar
2. Kriti Kumari W/o Sanjay Kumar, Resident of Village- Rajauli Niche Bazar, P.O. Rajauli, Police Station- Rajauli, District- Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner, learned counsel for the complainant and learned A.P.P.

The petitioner apprehends his arrest in Complaint Case No.623 of 2017 registered under Section 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

The complainant made allegation of cruelty.

Learned counsel for the petitioner submits that the petitioner has earlier filed Matrimonial Suit No.165 of 2017 for restitution of conjugal rights on 09.06.2017. When the complainant received notice, she filed present complaint case on 14.06.2017. The complainant filed rejoinder/written statement in



the suit for restitution of conjugal rights and she made specific allegation that she is not willing to live with the petitioner. Immediately thereafter the complainant also filed Divorce Case No.320 of 2017 on 13.10.2017. The matter was referred to the Mediation Centre but the complainant did not turn up. Consequently, the dispute between the husband and the wife could not be resolved.

Learned counsel for the complainant, however, opposed the prayer for anticipatory bail and submitted that the complainant is ready to live with her husband.

On perusal of records, it appears that the petitioner filed earlier matrimonial suit for restitution of conjugal rights and when the complainant knew about the institution of the suit, she filed complaint case. The complainant in matrimonial suit filed written statement stating that she is not willing to live with her husband and immediately thereafter she also filed divorce case.

Having considered the facts aforesaid, the petitioner, above named, 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., Nawada in connection with Complaint Case No.623 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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