

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56130 of 2019

Arising Out of PS. Case No.-2086 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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AMRESH TIWARY Son of Rajendra Tiwary, Resident of Village-
Mishrauliya Afjalpur, P.S.- Belsor O.P., District- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mala Devi Wife of Amresh Tiwari, Daughter of Nand Kishore Pandey,
Resident of Village- Rohna, P.S. and District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP.

The petitioner apprehends his arrest in Complaint
Case No.2086 of 2018 registered under Section 498A of the
Indian Penal Code and under section 4 of the D.P. Act.

The complainant alleged that she was married to the
petitioner in the year 2002 but she gave birth to three children
but her husband started subjecting her to physical and mental
torture due to non-fulfillment of additional demand of dowry.

Learned counsel for the petitioner submits that the
petitioner never demanded any dowry. The complainant herself
left the house of the petitioner and lodged the case in the year



2018 i.e. after sixteen years of her marriage. The complainant also left her three children and fled away with a stranger for which Vaishali P.S. Case No.139 of 2018 was registered under Sections 363, 366 and 366(A) of the IPC. It is further submitted that even then the petitioner is ready to keep his wife but the complainant does not want to restore conjugal relations.

Learned counsel for the complainant and learned A.P.P., however, opposed the prayer for anticipatory bail of the petitioner.

It appears that the marriage of the petitioner was solemnized in the year 2002 and the complainant gave birth to three children. The complainant filed this complaint case only in the year 2018 i.e. after sixteen years of her marriage making allegation of additional demand of dowry but when the complainant was summoned, she came but refused to restore conjugal relation even if the petitioner being the husband is ready to keep his wife.

Having considered the facts and the nature of allegation made against the petitioner, 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., Vaishali at Hajipur in connection with Complaint Case No.2086 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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