

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54694 of 2019

Arising Out of PS. Case No.-1006 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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INDRAJEET KUMAR Son of Mahesh Yadav Resident of Village - Khaira,
Khurd, P.S.- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Asha Kumari @ Asha Devi Wife of Indrajeet Kumar Resident of - Kesho
Bigha, P.S.- Tikari, District - Gaya (complainant)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Raj Ballabh Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 20-11-2019 Heard learned counsel for the parties.

This application has been filed for grant of anticipatory bail arises out of Complaint case No. 1006 of 2008, disclosing offences punishable under Sections 323, 498A, 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner was granted provisional anticipatory bail by an order dated 30.08.2019 with certain conditions. Subsequently, condition No. (iii) was modified by this Court by subsequent order dated 12.09.2019. Notices were issued to the informant/Opposite party No.2, who has entered appearance through Vaklatnama. There is nothing to show that the



petitioner has breached any condition of grant of provisional anticipatory bail by this Court.

Learned counsel for the petitioner has submitted that matrimonial dispute has been given a colour of a criminal case and as a matter of fact, before filing of the complaint case, the petitioner had filed an application, seeking dissolution of marriage before the Family Court, Gaya, which is pending.

Learned counsel appearing on behalf of the Opposite party No.2 has submitted that the complainant did not have any knowledge about filing of the divorce case and, therefore, filing of the complaint case cannot be treated to be a counter blast to the divorce case filed by the petitioner.

Be that as it may, considering the fact that the petitioner was granted provisional anticipatory bail and he has not misused the said privilege, this application is allowed.

The provisional bail granted to the petitioner stands confirmed with the same conditions, as indicated therein.

(Chakradhari Sharan Singh, J)

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