

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54857 of 2019**

Arising Out of PS. Case No.-196 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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AJAY KUMAR @ AJAY PANDIT Son of Raju Pandit Resident of Village-
Nariyar, P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pushpa Devi Wife of Ajay Kumar @ Ajay Pandit Resident of village-
Nariyar, P.S.-Motipur, District-Muzaffarpur at present daughter of Kapildeo
Pandit, Village-Gauspur, P.S.-Kathaiya, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Nath
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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

ORAL ORDER

3 04-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. 196 of 2018, corresponding to Tr. No. 3542
of 2019, disclosing the offence under Sections 498-A, 307, 379,
504/34 of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

Petitioner is the husband of the complainant.

Learned counsel appearing on behalf of the petitioner
has submitted that the matrimonial dispute between the
complainant and the petitioner has given rise to filing of a
criminal case. Denying the allegations made in the complaint



petition, he contends that the complainant had been taking wavering stand before the court below when the matter was being attempted to be resolved.

Learned counsel for the complainant, on the other hand, has submitted that this anticipatory bail application is not maintainable for the reason that the petitioner was allowed provisional bail by the court below in the anticipatory bail proceeding, which has finally been rejected by an order dated 25.06.2019, passed by the learned Sessions Judge, Muzaffarpur.

The preliminary objection taken on behalf of the complainant is not at all sustainable. It was by virtue of certain interim order passed in the anticipatory bail application before the court below that the petitioner was on provisional bail for some time. The court below, however, finally rejected the petitioner's application for anticipatory bail by order dated 25.06.2019.

In my view, therefore, this application for grant of anticipatory bail is maintainable.

On perusal of the complaint petition and other materials on record, I am satisfied that a case for anticipatory bail is made out. This application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six



weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned ACJM-I, West Muzaffarpur in Complaint Case No. 196 of 2018, corresponding to Tr. No. 3542 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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