

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75672 of 2018

Arising Out of PS. Case No.-111 Year-2018 Thana- MAHILA P.S. District- Patna

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Dheeraj Kumar @ Dhiraj Kumar, Son of Suresh Prasad @ Suresh Kumar,
Resident of Mohalla Pirmohani, near Uma Cinema Hall, Sagun Beauty
Parlour, P.S. Gandhi Maidan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rani Kumari, Wife of Dheeraj Kumar, Daughter of Jagdish Prasad,
Resident of Mohalla Pirmohani, near Uma Cinema Hall, Sagun Beauty
Parlour, P.S. Gandhi Maidan, District Patna, presently residing at C/o Jagdish
Prasad, Mohalla North Mandiri, P.S. Budha Colony, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar

For the Opposite Party/s : Mr.Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-01-2019 Heard both sides.

Petitioner apprehends his arrest in Mahila P.S. Case
No.111 of 2018 registered under Sections 498A and 34 of the Indian
Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner
is the husband of the informant. The informant made omnibus and
general allegation against the petitioner for torture and demand of
dowry. The allegation is false and concocted. Petitioner filed
Matrimonial Suit 878 of 2018 on 31.07.2018 and thereafter his wife
filed this criminal case on 14.08.2018. Petitioner is still ready to keep
his wife.

Learned counsel for the informant opposed the prayer for
anticipatory bail and submitted that the informant did not receive any
notice after institution of matrimonial suit for restitution of conjugal



rights. It is submitted that the petitioner used to demand money for establishment of business. Petitioner also assaulted the informant on many occasions.

Considering the facts aforesaid and nature of allegations made against the petitioner and the fact that the petitioner is still ready to keep his wife with all honour and dignity and for that the petitioner also filed suit for restitution of conjugal rights, petitioner is directed to surrender in the court below within four weeks from the date of receipt of this order and on such the learned court below shall enlarge the petitioner on provisional bail for four months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No.111 of 2018. Thereafter the learned court below shall make efforts for resolution of the dispute between husband and wife and if the petitioner keeps his wife properly, the learned court below shall confirm the provisional bail granted to the petitioner. If the petitioner does not keep his wife properly, the learned court below shall pass order on provisional bail immediately after four months.

(Prabhat Kumar Jha, J)

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