

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83163 of 2019**

Arising Out of PS. Case No.-809 Year-2017 Thana- MUNGER COMPLAINT CASE
District- Munger

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Kundan Kumar @ Kundan Mandal Son of Ajit Mandal Resident of Village -
Manjhli P.S. - Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Asmita Kumari Wife of Kundan Mandal D/O Late Sharvan Mandal Resident
of Village - Manjhli P.S. - Sultanganj, District - Bhagalpur presenting
residing at village Ratanpura, P.S. Sangrampur, District - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-12-2019 Heard learned counsel for the parties.

The petitioner who is alleged to be the husband
of the complainant seeks bail in anticipation of his arrest
in connection with Complaint Case No. 809(C) of 2017
in which cognizance has been taken under Sections 323,
498(A), 504 of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

This Court in the first instance was inclined to
refer the matter to the Mediation Centre of the Patna
High Court so that the dispute between the spouses



could be settled. However, learned counsel for the petitioner insisted that the case be disposed off on merits as no marriage has taken place between the petitioner and the complainant.

Looking at the complaint and the order of cognizance as well as the nature of accusation levelled therein, I am not inclined to grant anticipatory bail to the petitioner.

Should the petitioner surrender before the Court below and seek bail, it shall be considered on its own merits without being prejudiced by the fact that the present petition has not been entertained.

The petition stands dismissed with the aforesaid observation.

Shageer/-

(Ashutosh Kumar, J)

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