

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10296 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- MAHESI District- East Champaran

GAUTAM KUMAR Son of Surya Kumar Rai R/o Village-Laheriyaganj,
Ward No.03, P.S. and District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the Opposite Party/s	:	Mr.Umanath Mishra
For the informant	:	Mr. Anshu Dhar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-06-2020 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Mehshi Police Station Case No. 184 of 2019, disclosing offences under Section 498-A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the First Information Report, is that the marriage of the informant was solemnized with the petitioner on 05.12.2014 according to Hindu rites and rituals. It has been alleged that at the time of marriage, the father of the informant gave gift to the petitioner according to his capacity. It has further been alleged that the father-in-law of the



informant, Surya Kumar Rai, at the behest of the petitioner, demanded Rs. 5,00,000/- as loan and assured that he would return the said amount and accordingly father of the informant transferred Rs. 3,70,000/- in the bank account of the father of the petitioner. It has further been alleged that after sometime of the marriage, the petitioner and the accused persons started demanding one car by way of dowry and due to non-fulfillment of the said demand, the accused persons, including the petitioner, tortured the informant, mentally as well as physically. It has also been alleged that the petitioner is working in a private company at Delhi and when the informant went to Delhi to live with the petitioner, there also she was subjected to torture and cruelty and the petitioner threatened her that if the demand of car would not be fulfilled, the petitioner would set her body on fire. In the month of June, 2017, the petitioner assaulted the informant and lastly, on 12.09.2017, the petitioner ousted the informant from his house after assaulting and snatching all her belonging. The father and uncle of the informant tried to pacify the matter, but in vain.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further



submits that the present First Information Report has been lodged as a counter blast to the divorce case filed by the petitioner, being Matrimonial Case No. 256 of 2018, which is pending before the Principal Judge, Family Court, Madhubani and the informant appeared in the said case on 02.07.2019 and thereafter the present First Information Report has been lodged by the informant.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner, in order to create defence and ground for obtaining bail, has filed the divorce case with oblique and ulterior motive. He further submits that the informant and her family members were persistently trying to get the matter settled and pacified, but the side of the petitioner was very reluctant and they were not ready for any settlement or compromise.

This Court, on 16.06.2020, had adjourned the matter to enable the parties to arrive at an amicable settlement, but, today, learned Counsel for the petitioner informs this Court that the petitioner is ready to give a sum of Rs. 3,70,000/-, which was transferred in the bank account of the father of the petitioner, by way of full and final settlement as permanent alimony.



On the other hand, learned Counsel for the informant submits that the petitioner, in abuse of the process of Court, has filed the divorce suit in order to create defence in his favour after torturing the informant mentally as well as physically. He further submits that the informant and her family members, from the date the petitioner and his family members started torturing the informant, continuously trying to pacify the matter, but when the petitioner has decided to file divorce suit against the informant and is trying to get rid of the informant, the present First Information Report has been lodged by the informant.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that specific allegation of torture and demand of dowry has been made in the First Information Report and a sum of Rs. 3,70,000/- was transferred in the bank account of the father of the petitioner after the marriage, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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