

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11888 of 2020

Arising Out of PS. Case No.-99 Year-2016 Thana- MAHILA P.S. District- Muzaffarpur

Sushil Kumar Son of Raghunath Ojha Resident of Village - Kiratpur
Gurudas@Khabra, P.S.- Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Adv.

For the Opposite Party/s : Mr. Ashraf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-06-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Mahila P.S. Case No. 99 of 2016, registered under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the daughter of the informant was married to the petitioner in the year 2015. At the time of marriage, the gifts as described in the FIR were given. It is further stated that for non-fulfillment of demand of dowry, the accused persons started to torture the informant's daughter and as such the case.

It is submitted by learned counsel for the petitioner



that during course of investigation the petitioner had been given the benefit of section 41 of the Cr.P.C. However, subsequently chargesheet has been submitted in this case. It is further submitted that prior to filing of the FIR, Divorce Case No. 251 of 2016 was filed by the petitioner in the Court of Principal Judge, Family Court, Muzaffarpur praying for a decree of divorce against the respondent and it is subsequent to the filing of the divorce case on 01.07.2016 that the instant FIR has been registered on 07.08.2016. It is submitted that the petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the FIR was registered after lodging of the divorce case by the petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Mahila P.S. Case no. 99 of 2016, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (East), Muzaffarpur subject to



the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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