

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11976 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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KUNDAN KUMAR Son of Manik Lal Resident of Village - Katra Bazar,
P.S.- Malsalami, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rinki Soni Wife of Kundan Kumar, D/O- Doman Prasad Resident of Village
- Katra Bazar, P.S.- Malsalami, District- Patna, At present Resident of
Village - Gurua, P.S.- Gurua, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Dr. Shashi Shekhar Kishore, Adv.
For the Opposite Party/s :	Dr Ajit Kumar, APP.
For the O.P. No. 2	: Mr. Ashok Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 13-07-2020 Heard learned counsel for the petitioner, learned

counsel for the O.P. No. 2 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 Complaint Case No. 166 of 2019 registered under sections
498A, 323, 379, 504 and 34 of the Indian Penal Code and
section 4 of the Dowry Prohibition Act.

As per allegation in the complaint it is stated by the
complainant that she got married to the petitioner in the year
2011 and valuable gifts were given by her father at the time of



her marriage. It is further stated that soon after reaching her sasural, the accused persons started to torture her and started making demand of dowry to the tune of Rs. 2.5 lacs, she was abused and sent to her naihar with an instruction that she would return back on payment of Rs. 2.5 lacs. The accused persons were not ready to relent even after knowing that she was in the family way.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the complaint are false and concocted. As a result of circumstances beyond his control and the behaviour of the complaint, he was forced to file Matrimonial Case no. 150 of 2019 in the Court of Principal Judge, Family Court, Patna on 1.2.2019. It is further submitted that even in the year 2018 in the months of October and December, the petitioner and his mother has filed informatory petition in the Court which have been brought on record as Annexure-3 series. It is only thereafter that the instant complaint has been filed on 28.3.2019. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State and the learned counsel for the complainant. It is submitted by learned counsel for the complainant that marriage



had taken place between the parties in the year 2011. The complainant has not received any notice of divorce case and she is ready to reside with the petitioner provided, he treats her with respect.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the Court is inclined to enlarge the petitioner on anticipatory 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 Complaint Case No. 166 of 2019, he shall 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., Sherghati, Gaya, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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