

THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 17717 of 2020

Manish Kumar, aged about 35 years, Gender-Male, son of Shri Narendra Kumar Gupta, resident of Rajapur Mainpura, Gate no.33, Opposite Masjid, Police Station-Patliputra, District-Patna (Bihar), posted as Branch Manager, Allahabad Bank at Behta Pakori Branch, Police Station Tombour, Zonal Office Sitapur, District Sitapur-261001, Uttar Pradesh (U.P.)

..... Petitioner

Versus

1. The State of Bihar

2. Shilpi Kumari, aged about 30 years, daughter Suresh Prasad, wife of Manish Kumar, at present residing at Gandhi Nagar, East Hanuman Mandir, Near Patliputra Junction, Police Station - Rajeev Nagar, District-Patna

..... Opposite Parties

Appearance

For the Petitioner/s : Mr. Rajendra Lal Das, Advocate

For the State : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 19.08.2020 Heard learned counsel for the petitioner and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case no. 2539 of 2018 wherein by order dated 8.8.2019 (Annexure-2) cognizance was taken under section 498A of the Indian Penal Code and section of 4 of the Dowry



Prohibition Act.

As per allegation in the complaint, the complainant was married to the petitioner in the year 2014. It is stated that the petitioner expressed that he married because of the wishes of his parents. It is further stated that on being taken to her matrimonial home, the maid servant was removed and she was compelled to do the household work. Further allegation of torture etc. is made against the accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the complaint are absolutely false. On the other hand, it was as a result of cruelty by the complainant that the petitioner who happens to be the husband was forced to file Matrimonial Case no.190 of 2015 praying for divorce. Further referring to the order dated 15.7.2016 contained in Annexure-4 to the petition it is submitted that by the said order passed in the divorce proceedings, a monthly maintenance has been fixed to be paid by the petitioner to the complainant. It is submitted that much after filing of the divorce case in the year 2015, only with a view to pressurise the petitioner that the instant complaint was filed in June 2018 with false and concocted allegations.



The application for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner who happens to be the husband of the complainant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the pendency of the divorce case since much prior to the filing of the complaint petition, this 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 Complaint Case no. 2539C of 2018, he will be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

