

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24374 of 2020

Arising Out of PS. Case No.-995 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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PAPPU KUMAR Son of Ashok Mandal Resident of - New Basti Bagbera,
Road No. 1, P.S.- Bagbera, Jamshedpur (Jharkhand). Petitioner/s
Versus

1. THE STATE OF BIHAR
2. Renuka Devi Daughter of Sri Rajendra Prasad Resident of Muskipur Road
No. 14, Ward No.- 18, Post- Jamalpur Goagari, P.S.- Gogari, District-
Khagaria (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, APP

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Manendra Kumar Sinha, learned counsel

for the petitioner and Mr. Murlidhar, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with

Complaint Case No. 995C/2016 registered for the offence
punishable under Sections 498A IPC and ³/₄ of the Dowry
Prohibition Act, in which, according to the petitioner,
cognizance has been taken on 06.01.2020

3. The allegation, as per prosecution, against the
petitioner is that marriage of the petitioner was solemnized with
Opposite Party No.2 on 05.12.2014 and in the marriage, the
father of the complainant had given gifts by way of cash and
materials to the petitioner and after marriage, the petitioner and
other family members started demanding Rs. 5 Lacs as dowry,
which was refused by the complainant/OP No.2, upon which,
the complainant was tortured mentally and physically. On



18.01.2015, the complainant left the house of the petitioner and went to live with her parents.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the present complaint has been lodged with false and concocted story. Learned counsel also submits that, in fact, on 25.01.2016, a Complaint Case bearing no. C/1-236/2016 was filed by the petitioner in the court of Judicial Magistrate, Jamshedpur alleging therein that OP No.2/Complainant was of quarrelsome nature and used to fight with family members of the petitioner and after staying about 35 days in her matrimonial home, she left the house of the petitioner on 16.01.2015 and in the month of April, she informed the petitioner on mobile that she was not willing to live with the petitioner.

5. Learned counsel further submits that after filing of the complaint by the petitioner in January 2016 and receipt of the summon, the present complaint has been filed by the complainant/OP No. 2 in November, 2016 as a counter blast and by way of retaliation. Learned counsel also submits that a Divorce Suit bearing Original (Mat.) Suit No. 227/2017 was filed by the petitioner before the Family Court, Jamshedpur for dissolution of marriage in which the complainant/OP No.2 did



not appear and finally, the court passed an *ex parte* decree of divorce vide judgment and order dated 15.05.2018 at Annexure-3.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that decree of divorce has already been passed by the competent court, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, PAPPU KUMAR shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate-, Khagaria in connection with Complaint Case No. 995C/2016, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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