

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70547 of 2019

Arising Out of PS. Case No.-301 Year-2019 Thana- RUPASPUR District- Patna

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MONESH KAR SARANG Son of Sri Dinesh Prasad Resident of Cholhai Chak, P.O.-Khagaul, P.S.-Rupaspur, Dist.- Patna, at present resident at A.G. Colony, P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Neetu Kumari Daughter of Sri Jai Prakash Narayan Singh Resident of Mohalla-Jagriti Nagar, Ashiyana Road Khajpur, P.O.-B.V.College, P.S- Rajbansi Nagar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha
For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

7 09-11-2020 Learned counsel for the petitioner and learned counsel for opposite party no. 2 as well as learned Additional Public Prosecutor for the State join the proceeding through virtual mode.

Petitioner happens to be husband of opposite party no. 2 and petitioner and opposite party no. 2 got solemnized their love marriage in the year 2010 but subsequently, differences arose between them and opposite party no. 2 claimed that she illbehaved by petitioner as well as his family members.

Learned counsel for the petitioner submits that as a matter of fact, after solemnization of marriage, the opposite



party no. 2 started putting pressure upon the petitioner to part his way from his other family members and when the petitioner refused to buckle upon the pressure of opposite party no. 2 the opposite party no. 2 created nuisance in the family of petitioner and she herself left the house of the petitioner. Learned counsel for the petitioner further submits that the petitioner filed M.A No. 602 of 2019 seeking divorce from the opposite party no. 2 on 17.05.2020 and, thereafter, opposite party no. 2 filed this false case against the petitioner. Learned counsel for the petitioner submits that prior to filing of the present case, the opposite party no. 2 had filed Complaint Case bearing Complaint Case no. 2128 C of 2019 against the petitioner and his family members for the offence punishable under section 498A , 323, 504/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

On the other hand, learned counsel for the opposite party no. 2 submits that after solemnization of marriage opposite party no. 2 gave birth to a child but subsequently, the petitioner started torturing her and she was driven out from her matrimonial home. Learned counsel for the opposite party no. 2 further submits that the police after investigation, submitted charge sheet finding the case true against the petitioner.



Considering the aforesaid submissions as well as facts and circumstances of the case and particularly keeping in mind that much prior to filing of the present case petitioner had filed suit against the opposite party no. 2 seeking decree of divorce, the provisional bail granted to the petitioner by order dated 27.11.2019 is, hereby, confirmed. In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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