

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62304 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- WARISNAGAR District- Samastipur

SATYAM KUMAR Son of Sita Ram Yadav Resident of Village - Motnaja
(Janta), P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Priyanka Kumari D/O - Ganesh Ray Resident of Village - Ballipur,
Warisnagar, P.S.- Waris Nagar, District- Samastipur

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Adv.
Mr. Priyesh Kumar, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Warisnagar P.S. Case No. 76 of 2019, G.R. No. 614 of 2019, registered for the offence punishable under sections 341, 323, 354, 498A, 504 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the petitioner was married to the opposite party no. 2 in the year 2016 and it is stated that soon after the marriage, the accused persons started torturing her and making demand of dowry in the form of four



wheeler car and Rs. Six Lakhs in cash. On non-fulfillment of the same, she was abused and tortured. On 14.03.2019 the elder brother of the husband misbehaved with her.

It is submitted by learned counsel for the petitioner that the allegations as mentioned in the FIR are false and concocted. In fact, it was as a result of cruel nature of opposite party no. 2, that the petitioner was forced to file a divorce petition on 24.02.2018 which was registered as HMA Petition no. 2875 of 2018 in the Court of Principle Judge, Family Court, Dwarika, Delhi and subsequent thereto on 26.03.2019, the instant FIR was lodged.

It is submitted by learned counsel for the opposite party no. 2 that the petitioner is the husband of the opposite party no. 2, against whom there is direct allegation and the O.P. no. 2 is always willing to reside with her in-laws family.

This matter had been on earlier occasion referred for mediation to the Patna High Court Mediation Center, from which a report dated 13.12.2019 of the Mediator had been received, wherein it is stated that the matter could not be settled and in fact, on one of the days, the O.P. no. 2 physically assaulted and broke the optical glass of the petitioner in the Mediation Centre.

Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Warisnagar P.S. Case no. 76 of 2019, G.R. No. 614 of 2019, 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 Chief Judicial Magistrate, Samastipur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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