

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75348 of 2019

Arising Out of PS. Case No.-1983 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Manoj Kumar Jaiswal, Son of Late Shiv Narayan Jaiswal, R/o- Khudia Fatak,
Nirsa, P.S.- Nirsa, District - Dhanbad.

... .. Petitioner

Versus

1. The State of Bihar
2. Kiran Kumari, w/o Manoj Kumar Jaiswal, D/o Lal Babu, R/o Mohalla-Ram
Nagar, Road No.1, Rai Lane Gali, Bangali Tola, P.S.-Jakkanpur, Distt.-Patna

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-06-2020 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the complainant-

opposite party no.2 via video conferencing.

By way of the present application, the petitioner
has sought for pre-arrest bail in connection with Complaint Case
No.1983(c) of 2016 in which cognizance has been taken for the
offence punishable under Sections 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

It is submitted by the learned counsel for the
petitioner that there is no truth behind the allegation made in the
complaint. The petitioner being the husband of the complainant
always tried to keep the complainant with dignity and honour in



the matrimonial house. However, the complainant herself deserted him. Seeing no way out, the petitioner filed Title (Matrimonial) Suit No.346 of 2014 under Section 9 of the Hindu Marriage Act in the Court of Principal Judge, Family Court, Dhanbad in which the complainant never appeared. Since the complainant did not become ready to live along with the petitioner, ultimately, he filed Divorce Case No.741 of 2015 in the court of Additional Principal Judge, Patna. After receipt of notice in the Divorce Case No.741 of 2015, the instant complaint has been filed on behalf of the complainant.

Mr. Ranjan Kumar Jha, learned counsel for the complainant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the petitioner subjected the complainant to cruelty in various ways within 10-15 days of her marriage. He also humiliated her in her *maika* and this was the reason due to which the complainant did not want to live with the petitioner. He further contended that the complainant has stated in her statement made on oath under Section 200 of the Code of Criminal Procedure that the petitioner once visited the *maika* of the complainant and assaulted her sister also.

Be that as it may, considering the totality of the



circumstances, the petitioner is directed to be released on bail in the event of arrest or surrender in the court below 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 S.D.J.M., Patna in connection with Complaint Case No.1983(c) of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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