

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70415 of 2019

Arising Out of PS. Case No.-732 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AMIT KUMAR SINGH Son of Hira Prasad Singh Resident of Village -
Thatia, P.S.- Rosera, Distt - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Puja Kumari @ Guria Wife of Ashok Kumar Singh @ Ashok singh Resident
of Village - Thatia, P.S.- Rosera, Distt - Samastipur, at present residing at
village - Nakuni, P.S.- Hasanpur, Distt - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rishit Dev Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For O.P. No. 2	:	Mr. Abhay Snaker Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 3 20-01-2020 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 732 of 2017, disclosing offences

under Section 498A of the Indian Penal Code and Sections 3 /4

of the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
cruelty in connection with demand of dowry and it is also
alleged that informant caught the petitioner making physical
relationship with his bhabhi.

Submission of learned counsel for the petitioner is
that out and out false and frivolous allegations have been



levelled rather it is the complainant, who is not fit to have physical relationship with the petitioner and due to that petitioner has filed the divorce case and after appearance in divorce case, present case has been filed.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has opposed the prayer for anticipatory bail and submitted that the plea of the petitioner that complainant is not fit for having establishing physical relationship is false, as complainant has appeared in the divorce case and has herself filed a petition for her medical examination. Further submission is that petitioner is not ready to keep her and in spite of order for interim alimony by the Family Court, he is not making any payment to the complainant.

Having heard both sides, considering the submission, as above, let the petitioner, above named, surrender before the court below within six weeks and on filing undertaking that he will pay the interim to the complainant unless the same is modified or set aside by any higher court, the court below shall release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate -III, Rosera, Samastipur, in connection with Complaint Case No. 732 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is also made clear that after his release, in case the petitioner fails to deposit the above amount of ad interim alimony as ordered by the learned Family Court, continuously for four months, opposite party no. 2 will be at liberty to move for cancellation of bail bond of the petitioner.

(Vinod Kumar Sinha, J)

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