

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75407 of 2019

Arising Out of PS. Case No.-335 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

=====

Prafull Kumar @ Prafulla Shukla @ Kanhaiya Ji @ Kanhiya Ji, S/o Subodh Shukla @ Raj Kumar, R/o Mohalla- Bairiya Baikunthpuri, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. Anamika, W/o Prafull Kumar @ Prafulla Shukla @ Kanhaiya Ji @ Kanhiyaji, D/o Jitendra Prasad Singh R/o Mohalla- Hathsarganj, H No. 123, Behind J N college, Naka No. 3, Hajipur, Distt.- Vaishali

... .. Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate
For the Opposite Parties : Mr(s). Sucheta Yadav, APP

=====

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 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.335(c) of 2019 in which cognizance has been taken for the offence punishable under Sections 323, 341, 379, 120B 498 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel appearing for the petitioner submitted that the root cause for filing the complaint is that the



complainant was having extra marital affair with a muslim boy. The said fact was hidden by her parents and they forcefully solemnized her marriage with the petitioner without her consent. When the complainant came to her matrimonial home, she made it evident by her behaviour and attitude that she had no desire to continue with the matrimonial relationship. Learned counsel for the petitioner has also drawn my attention towards Annexure-2, a photograph of complainant along with an unknown boy with whom, he claims that the complainant was having affair.

Learned counsel for the State and learned counsel for the complainant-opposite party no.2 have vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. They contended that the petitioner misrepresented himself to be an engineer and married the complainant. They contended that the allegation made by the petitioner that the complainant was having an extra marital affair with a muslim boy is patently false. The photo annexed as Annexure-2 is a concocted and fabricated document in order to mislead the Court. They further contended that had there been any truth behind the allegation made by the petitioner, the petitioner would have sought for a decree of divorce on the ground that the complainant is maintaining an extra marital relationship even after marriage but



having not done so, he is just trying to create an evidence to malign and tarnish the character of his wife.

In the totality of the circumstances, I find force in the submissions made on behalf of the learned counsel for the State and the complainant-opposite party no.2, I am not inclined to grant pre-arrest bail to the petitioner. The prayer for grant of pre-arrest bail is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

