

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87268 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

KISHAN KUMAR Son of Bhajuman Sah @ Bhajuman Prasad @ Bhajuman
Saw Resident of Village - Ghorasahan, Near - Ambika Cinema Hall, P.S. -
Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Suman Kumari Wife of Kishan Kumar Resident of Village - Near Ambika
Cinema Hall, Ghorasahan, P.S. - Ghorasahan, District - East Champaran,
presently Residing at Daughter of Ashok Prasad, Village - Braham Asthan,
Ward No. 7, P.S. and District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Manoj Kumar No.1, Adv.
For the State	:	Mr. Gulnar Begum, APP
For the Complainant	:	Mr. Alok Kumar Alok, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-01-2020 Heard learned counsel for the petitioner, the learned
counsel for the complainant/opposite party no. 2 and learned
Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with Sitamarhi
Mahila P.S. Case No. 12 of 2018 arising out of Complaint Case
No. 356 of 2018, registered under Sections 341, 323, 498A and
504/34 of the Indian Penal Code and 3 and 4 of the Dowry
Prohibition Act.

The accusation is of torturing complainant/opposite
party no. 2 by her husband and in-laws due to non-fulfillment of
dowry demand and removing her from matrimonial house.

Submission is that the complainant/opposite party no.
2, who is wife of the petitioner, due to misunderstanding filed
the Complaint Case No. 356 of 2018, which is the basis of the



present case. In spite of several requests, made by the petitioner, the complainant/opposite party no. 2 did not take any step to return to her matrimonial house, thereafter, the petitioner has filed Matrimonial (Divorce) Case No. 101 of 2018 in the Court of the Principal Judge, Family Court, Motihari. More so, petitioner is still ready to keep his wife (complainant/opposite party no. 2), if she is willing to live with the petitioner. the petitioner is in custody since 23.09.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sitamarhi Mahils P.S. Case No. 12 of 2018 arising out of Complaint Case No. 356 of 2018 to the satisfaction of the Subdivisional Judicial Magistrate, Sitamarhi.

(Rajendra Kumar Mishra, J)

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