

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85167 of 2019**

Arising Out of PS. Case No.-864 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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ANKESH KUMAR S/o- Ram Nidhi Ram, R/o- 6/241, Nizampur Malhaur,
Near Amity University, P.S.- Chinit, Distt- Lacknow, Uttar Pradesh.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bhagwan Prasad S/o- Late Vishwanath Prasad R/o Chaukhandi, Ward No.0,
P.S.- Sasaram, District- Rohtas.
3. Rani Devi @ Rani Kumari D/o Bhagwan Prasad, R/o Chaukhandi, Ward
No.0, P.S.- Sasaram, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajnikant Singh, Adv.
For the State	:	Mr.Nand Kishore Prasad, APP
For O.P. Nos.2 and 3	:	Mr. Bijay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 14-09-2020 Heard Mr. Rajnikant Singh, learned counsel for the

petitioner, Mr. Nand Kishore Prasad, learned A.P.P. and

Mr. Bijay Kumar, learned counsel for O.P. Nos.2 and 3 through

Video Conferencing.

The petitioner apprehends his arrest in Complaint
Case No.864 of 2018 for the offences allegedly committed by
the petitioner under Section 498(A) of the Indian Penal Code
and under Section 4 of the Dowry Prohibition Act.

The complainant alleged that on 29.04.2018 he
married his daughter (Rani Kumari) with the petitioner. On the



next day, his daughter went to Lucknow with her husband. Thereafter the petitioner started subjecting his daughter to different sorts of torture for non-fulfillment of additional demand of dowry and ousted her from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner is of course the husband of the victim but immediately after marriage, the daughter of the complainant adopted reluctant behaviour. The wife of the petitioner did not allow the petitioner to have any physical relation. She on one pretext or the other left the house of the petitioner with all ornaments. It is further submitted that the wife of the petitioner filed maintenance case and the Court directed the petitioner to pay Rs.5,000/- per month as interim maintenance to the daughter of the complainant. The petitioner is ready to resolve the dispute. The petitioner is also ready for One Time Settlement, if the wife of the petitioner is not willing to live happily with the petitioner. Therefore, the petitioner deserves anticipatory bail.

Learned A.P.P. and learned counsel for O.P. Nos.2 and 3 vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that within six months from the date of marriage of the daughter of the complainant with the petitioner, the petitioner subjected her to all sorts of torture due to non-



fulfillment of additional demand of dowry and ousted her from her matrimonial house. O.P. No.3 (wife of the petitioner) is still ready to restore marital relation with her husband but her husband on one pretext or the other does not want to live with her.

Considering the facts and the nature of allegations made against the petitioner and the fact that both parties are willing to resolve their dispute amicably, the petitioner, named above, is directed to surrender in the court below within six weeks from the date of receipt/production of a copy of this order and the court below shall enlarge the petitioner on provisional bail for six months on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rohtas, Sasaram in connection with Complaint Case No.864 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. Thereafter the court below shall make efforts for resolution of the dispute between the husband and the wife. If the dispute is resolved amicably and the petitioner keeps his wife properly, the provisional bail granted to the petitioner shall be confirmed and if the dispute is not resolved amicably between the husband and the wife, the court below shall pass order in accordance with



law on the provisional bail of the petitioner immediately after
lapse of six months.

(Prabhat Kumar Jha, J)

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