

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10839 of 2020**

Arising Out of PS. Case No.-1023 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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PRAKASH KUMAR Son of Bhagya Narayan Bhagat Resident of Village-
Jagarnathpur, P.S-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonam Kumari @ Sonam Bharati Wife of Prakash Kumar, daughter of Sri Radheshyam Singh Resident of Village and Post-Daudnagar, P.S.-Vaishali, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nityanand
For the Opposite Party/s	:	Mr.Akbar Ali
For O. P. No. 2	:	Mr. Atul Kumar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-02-2021 Heard learned Counsel for the petitioner, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. C-1 - 1023 of 2019, disclosing offences under Sections 323/341/343/406/504/498-A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation, as per the complaint, is that the marriage of the complainant-Opposite Party No. 2 was solemnized with the petitioner on 19.04.2017 and after sometime, the petitioner along with other family members



started demanding one motorcycle by way of dowry and due to non-fulfillment of the same, the petitioner tortured the complainant-Opposite Party No. 2, physically as well as mentally. It has also been alleged that on 24.06.2018, the petitioner brutally assaulted the complainant-Opposite Party No. 2 and also assaulted her on her abdomen, due to which her pregnancy was aborted.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with ulterior motive. He further submits that the petitioner has filed Matrimonial Case No. 03 of 2019 for restitution of conjugal right and willing to keep the complainant-Opposite Party No. 2 as his wife with care, honour and dignity.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the complainant-Opposite Party No. 2 vehemently oppose the prayer for anticipatory bail and submit that the petitioner tortured the complainant-Opposite Party No. 2 regularly and if the complainant-Opposite Party No. 2 will live with the petitioner, she has serious apprehension that she would be tortured again and may also be eliminated at the hands of the petitioner and his family



members. They next submit that the learned Court below has categorically come to the finding, while rejecting the anticipatory bail application of the petitioner, that the petitioner subjected the complainant-Opposite Party No. 2 to physical as well as mental torture and the petitioner brutally hit in the abdomen of the complainant-Opposite Party No. 2, leading to abortion of her foetus.

Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and consistent demand of dowry, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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