

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12290 of 2020

Arising Out of PS. Case No.-2484 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SANTOSH KUMAR @ SANTOSH JAISWAL S/o Dinesh Chaudhary R/o
village- Mohamadipur, P.O.- Mohamddipur, P.S.- Mohamddipur, District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Jaiswal D/O - Late Mahesh Prasad Jaiswal Mohalla - Sampat
Chawk Sagunamore 3rd Floor of Andhra Bank, P.O. - Sona Gopalpur, P.S. -
Gopalpur, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Jubair Ansari, Advocate
For the State	:	Ms. Pushpa Sinha.1, A.P.P.
For the O.P. no. 2	:	None

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-03-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. No one appears for
the O.P. no. 2.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 2484(C)/2018 registered for the
offence under sections 323, 341, 354, 504 and 498A of the
Indian Penal Code and sections 3 / 4 of the Dowry Prohibition
Act.

As per allegation in the complaint, the accused
persons including the petitioner herein who happens to be the
husband of the complainant – O.P. no. 2 is alleged to have



tortured the complainant for non-fulfillment of demand of dowry to the tune of Rs. 2 lacs and a motorcycle. It is stated that on 2.2.2018 she was forced out of the house.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the husband of the complainant. The allegations as levelled in the complaint are false and concocted. It is the complainant who deserted the petitioner which led to the petitioner filing a suit for restitution of conjugal rights which was registered as Matrimonial Case no. 69 of 2018 wherein order dated 14.10.2019 has been passed in favour of the petitioner. The petitioner has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the decision in the suit filed by the petitioner for restitution of conjugal rights, the Court is inclined to enlarge the petitioner on anticipatory bail.

The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case no. 2484(C)/2018 is directed to be enlarged on bail on furnishing



bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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