

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24867 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- KAKO District- Jehanabad

MUKESH KUMAR Son of Awadhesh Sharma Resident of Mohalla - LIC
Office, North Street, Jehanabad, P.S. - Jehanabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shambhbi Kumari Wife of Mukesh Kumar, D/O Jai Prakash Sinha Presently
Residing at Village - Hazipur, P.S. - Kako, District - Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shivendra Prasad, Adv.
For the Opposite Party/s :	Mr. Manoj Kumar , Adv.
	Mr. Sanjay Kumar Singh, Adv.
	Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 01-03-2021 Heard Mr. Shivendra Prasad, learned counsel for the
petitioner, Mr. Manoj Kumar, learned counsel for the informant
and Mr. Madan Kumar, learned counsel appearing for the State.

Petitioner apprehends his arrest in connection with
Kako P.S. Case No. 238 of 2019 registered for the offence
punishable under Section 498(A) of the I.P.C. and Section 3/4 of
the Dowry Prohibition Act.

The allegation as per the First Information Report is
that the marriage of the Opposite Party No. 2 was solemnized
with the petitioner on 30.11.2016 and after some time the
accused persons including the petitioner started demanding
dowry of Rs. 10 Lakh and due to non- fulfillment of the demand



the accused persons tortured the informant physically as well as mentally and ousted her from her matrimonial home.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive inasmuch as the informant was not discharging her obligations as wife and was cruel to the petitioner for which a divorce petition bearing MTS No. 175 of 2019 was lodged before the Principal Judge, Jehanabad on 05.08.2019 and the present F.I.R. has been lodged subsequent to the filing of the divorce petition by the petitioner. Learned counsel further submits that the allegation against the petitioner and other family members is general and omnibus in nature and the petitioner has committed no offence in the manner alleged. Learned counsel next submits that the petitioner is working as a Lower Division Clerk in University Grants Commission and he is ready to pay a sum of Rs. 6,000/- per month to his wife by way of “living cost” during the pendency of this case subject to the final outcome of the matrimonial and / or maintenance case, if any.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioner along with other family members assaulted physically



as well as mentally the Opposite Party No. 2. Learned counsel further submits that the informant was assaulted by the petitioner while she was living at Delhi and the petitioner had submitted a bond before the Police at Delhi regarding his good behaviour and earlier a case for restitution of conjugal life was lodged by the petitioner however the same was withdrawn and the divorce suit has been filed subsequently. Learned counsel next submits that informant is not agreeable to the offer of payment of Rs. 6,000 /- per month as “living cost” by the petitioner and this Court may consider to reject the anticipatory bail application.

Having regard to the submissions made by the parties and taking into consideration the nature of dispute, the fact that petitioner has come forward and has voluntarily offered “living cost” during the pendency of litigation between the parties and further considering the fact that petitioner is in Government job and there is no likelihood that the petitioner will abscond or tamper with the evidence while on bail, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above



named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jehanabad / court concerned in connection with Kako P.S. Case No. 238 of 2019 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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