

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22137 of 2020

Arising Out of Complaint Case No.-1533 (C) Year-2017 Thana- MUZFFARPUR
COMPLAINT CASE District- Muzaffarpur

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Raushan Kumar, Age- 28, Male, Son of Pramod Rai, Resident of - Borbara,
P.S.- Bochha, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Inku Kumari Wife of Raushan Kumar, Resident of Village- Borbara, P.S.-
Bochha, District- Muzaffarpur, presently Residing at C/o Ram Avtar Rai,
Resident of Bishambharpur Patti, PS Hathauri, District- Muzaffarpur, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP
For the Opposite Party No. 2	:	Mr. Ganesh Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-01-2021

Heard Mr. Surendra Kumar Singh, learned counsel for the petitioner; Mr. Vinod Shanker Modi, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ganesh Prasad Singh, learned counsel for the opposite party no. 2.

2. Pursuant to order dated 21.12.2020, the petitioner as also the opposite party no. 2 are present. The opposite party no. 2 has also brought her minor daughter with her.

3. The petitioner apprehends arrest in connection with Complaint Case No. 1533(C) of 2017 dated 04.07.2017, instituted



under Sections 498A, 307, 406 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

4. The allegation against the petitioner is that soon after marriage, he and his family members started torturing her for dowry and the daughter was born in the house of the parents of opposite party no. 2.

5. Learned counsel for the petitioner submitted that it is a matrimonial matter and the petitioner is the husband. It was submitted that due to false accusation, the father and mother of the petitioner were arrested and had to obtain bail. Learned counsel submitted that the allegations are incorrect and for three years no complaint was made before any authority and the marriage having taken place in the year 2014, the complaint has been filed in the year 2017. It was further submitted that the petitioner was confined for 15 days in the house of the opposite party no. 2 and was also maltreated and was given food only once a day.

6. Learned APP submitted that the petitioner being the husband having turned away the opposite party no. 2 despite being pregnant and thereafter not even bothering to take care of them or to get the matter settled, clearly indicates that his conduct is not *bona fide*.



7. Learned counsel for the opposite party no. 2 submitted that she was tortured from day one in the matrimonial home by all the family members of the petitioner and further that despite being pregnant, when no care was being taken, she had to come back to her parents place where she gave birth to a female child and despite that the petitioner has not bothered to take care of her or the child and that is why, the daughter also does not recognize the father as no effort has been made on his part to develop any contact, either with her or with the daughter. Learned counsel submitted that the fact that the petitioner has alleged that he was tortured in the parents' home of the opposite party no.2, though totally incorrect, is also a clear indication that there must have been very genuine and strong grievance against the petitioner, due to which the family members of the girl would behaved so badly with the husband of the daughter of the house as in society, the son-in-law is given royal treatment, especially in the house of the bride. Further, it was submitted that had the opposite party no. 2 and her family members behaved so cruelly with him and had assaulted him and tied him up for 15 days, it is surprising that the petitioner had not made complaint anywhere before any authority, which also clearly establishes that no such incident took place and he is only telling a lie before the Court.



8. Today, upon interaction with the petitioner and the opposite party no. 2, the Court is constrained to record its *prima facie* view in the matter. The petitioner was very belligerent in his stand with regard to not even considering any settlement. The Court may note that earlier Mediation had also failed only due to the attitude of the petitioner as the opposite party no. 2 was ready to settle the matter and go back to the matrimonial home. However, the interaction with the Court and the attitude of the petitioner before the Court, has also made the Court come to the tentative conclusion that his conduct discloses very harsh approach and at this stage, the Court would not disbelieve the allegations levelled against him, as from the interaction with the Court today, lot of things were said by him which clearly indicated that he carries the attitude that he is free to treat the opposite party no. 2 in any way he likes and the opposite party no. 2 is supposed to tolerate and bear everything, including that of his other family members. However, the Court would not give any finding as it is for the trial Court to come to a conclusive finding after giving opportunity of hearing to the parties and also allowing them to adduce witness in support of their contention.

9. Having given the matter serious thought, the Court is not inclined to grant pre-arrest bail to the petitioner.



10. Accordingly, the application stands dismissed.
11. The interim protection given to the petitioner by order dated 18.08.2020 stands withdrawn. The Court below shall now proceed in the matter, in accordance with law.
12. Registry shall communicate the order to the Court below latest by Monday (25th January, 2021).
13. Appearance of the parties stands dispensed with.
14. Let the main application supported by affidavit be *e* filed by learned counsel for the petitioner latest by day after tomorrow.

(Ahsanuddin Amanullah, J.)

P. Kumar

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