

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23598 of 2020**

Arising Out of PS. Case No.-187 Year-2019 Thana- NALANDA COMPLAINT CASE  
District- Nalanda

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MUKESH KUMAR @ MUKUL S/o Ashok Prasad Resident of Village-  
Mubarakpur, P.S.- Chandi, Distt- Nalanda.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Chanchala Devi W/o Mukesh Kumar R/o Village- Mubarakpur, P.S.-  
Chandi, Distt- Nalanda, At present D/o Sri Sarvesh Mishtri, R/o Sipara, West  
of Railway Line, Near Kali Mandir, P.S.- Beur, Distt- Patna.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr.Rajeev Kumar, Advocate  
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

8      26-02-2021                      I.A. No. 01 of 2021 has been filed on behalf of the  
  
petitioner showing jointness of O.P. No. 2 with her father.

The I.A. No. 01/2021 is allowed and notice is taken to  
have been validly served upon O.P. No. 2.

Petitioner, in the present case, is seeking pre-arrest bail  
in connection with Complaint Case No. 187C/2019 registered for  
the offences under Section 498(A) of I.P.C. and u/s 4 of Dowry  
Prohibition Act.

As per prosecution story, the complainant was married  
with one Munna Mistri and she has got two sons from the said  
marriage. It is alleged that her first husband was a veteran drunker  
and he sold all the ornaments of the complainant and used to  
torture her. There are other allegations against the first husband. It



is alleged that in the meantime the complainant came in contact with the petitioner who took her to village Mubarakpur and he was maintaining her with her three children. It is alleged that the complainant was living with the present petitioner as wife and out of their wedlock a daughter has been born in the year 2014. They have sworn affidavit in this regard.

It is alleged that at this stage, this petitioner is pressurizing to bring a sum of Rs. Two Lakhs from her husband and on this pretext she has been ousted from the house.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence, he has rather helped the complainant during her sour relationship with her husband Munna Mistri. Learned counsel submits that petitioner is aged about 28 years whereas the complainant is aged about 40 years and the petitioner is a married person. Learned counsel submits that the story of marriage between the complainant and the petitioner is completely false and have been purposely made to receive money from the petitioner.

Learned A.P.P. for the State is present. He has opposed the prayer for anticipatory bail of the petitioner.

Having considered the submissions on behalf of the petitioner and the State, in the nature of the allegations and the materials placed on the record, this Court directs that the petitioner



above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 187C/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hilsa, District – Nalanda, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

