

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79007 of 2019

Arising Out of PS. Case No.-2997 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

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MUKESH KUMAR @ MUKESH KUMAR RAI Son of Akhilesh Rai
Resident of Village - Saiki (Kewani), P.S.- Garkha, Distt.- Saran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rupa Devi W/o Mukesh Kumar @ Mukesh Kumar Rai, D/o Arjun Rai
Resident of Village - Saiki (Kewani), P.S.- Garkha, Distt.- Chapra (Saran.) at
Present husse Chapra, P.S.- Chapra Nagar, Distt.- Chapra (Saran).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh- Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 23-11-2021 By order 21.10.2021, the petitioner and the opposite

party no.2 were directed to be present physically in the Chamber

today at 4.15 P.M. Although the order dated 21.10.2021 was

passed in presence of the learned counsel for the petitioner and

the learned counsel for the complainant.

Today, the learned counsel for the petitioner along

with petitioner is present, but neither the complainant nor the

counsel for the complainant is present.

Heard the learned Advocate for the petitioner and

learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in

connection with Trial No.1707 of 2019 arising out of Complaint



Case No.2997 of 2018, instituted for the offences under Section 498A of the Indian Penal Code.

The allegation is of demanding dowry of Rs. Two lakhs for the purposes of doing business and when the complainant expressed her inability to fulfil the same, she was physically and mentally tortured.

The learned counsel for the petitioner submits that petitioner has filed an application for Restitution of Conjugal Rights Case No.150 of 2018 in which even after paper publication, the complainant is not appearing as has been stated in Para-9 of the petition which amply demonstrates that despite petitioner making all efforts to keep the complainant with him, the complainant for some reason or the other is not willing to go with him nor the complainant or her lawyer is even present today, while the order dated 21.10.2021 was passed in presence of Sri Krishna Kumar Yadav, the learned counsel for the complainant. Even the complainant in her S.A. has also stated that she does not want to stay with the petitioner.

Considering the fact that petitioner is husband and the allegation is of demanding Rs. Two Lakhs which presently is in the realm of allegation itself and petitioner has filed an application for restitution of conjugal rights, but the



complainant is evading the proceedings in the Court.

Learned A.P.P. for the State opposed the bail application.

Regard being had to the facts afore-stated, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Saran at Chapra in connection with Trial No.1707 of 2019 arising out of Complaint Case No.2997 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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