

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82690 of 2019

Arising Out of PS. Case No.-273 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Santosh Kumar, aged about 32 years, Male, son of Sri Krishna Rai, Resident of Village - Nagar Panchayat Sheohar, P.S. and Distt - Sheohar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ragini Kumari, wife of Santosh Kumar, D/o Sri Vishwanath Prasad, Resident of Village - Thumma, P.S.- Runnisaidpur, Distt - Sitamarhi.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Hans Lal Kumar, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
for the Opposite Party no.2 :		Mr. Pushpendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 23-11-2021 Heard learned counsel for the parties.

The petitioner seeks anticipatory bail in connection with Complaint Case No. C1/273/2018 registered for the offences punishable under Sections 323, 504, 498-A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

The Family Court, Sitamarhi by an order dated 18.01.2019 passed in Maintenance Case No. 122 of 2019 has granted interim maintenance of Rs.3,000/- to the opposite party no.2 and her two children. However, it is submitted by learned counsel for the opposite party no.2 that the same has not been



paid by the petitioner and the petitioner does not deny this fact.

Allegation against the petitioner is that he has demanded one motorcycle and cash of Rs.5,00,000/- from the opposite party no.2 and on account of non-fulfillment of the same, the petitioner assaulted her and also ousted her along with her two children from the matrimonial house. After intervention of some well wishers, the opposite party no.2 again inducted to the matrimonial house in the year 2017 but again the petitioner and his family members assaulted and ousted the opposite party no.2 along with her two children from the matrimonial house.

Considering the facts that the petitioner and his family members have assaulted the opposite party no.2 and her two children on account of non-fulfillment of demand of dowry and also ousted them from the house and also considering the fact that the petitioner has no respect of the judicial order by which interim maintenance of Rs.3,000/- has been granted to the opposite party no.2 and her two children by the Family Court, the petitioner does not deserve anticipatory bail by this Court.

Accordingly, this anticipatory bail application is dismissed. The petitioner is directed to surrender in the Court below within one week from today. If he does not surrender within the aforesaid period, the Superintendent of Police,



Sheohar is directed to get the petitioner arrested.

Let a copy of this order be communicated to the
Superintendent of Police, Sheohar, through FAX and e-mail.

(Sandeep Kumar, J)

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