

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20809 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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MUNISHWAR TIWARI @ Muneshwar Tiwari Son of Late Shivanand
Tiwari Resident of Village - Prahuti, P.S.- Kargahar (Sirhi), Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Devi W/o Muneshwar Tiwari, D/o Late Raj Kishore Upadhya Resident
of Village - Parahuti, P.S.- Kargahar, Dist.- Rohtas. At present R/o Village -
Rakashiya, P.O.- Morkar, P.s.- Agrer, Dist.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 14-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that notices
were earlier issued to the complainant and the same was
received by the brother of the complainant for which a jointness
application has been filed, stating that informant is residing
with her brother, the learned counsel for the petitioner submits
that despite receiving notice by the brother of the complainant,
the complainant chooses not to contest the present application.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the complainant alleges that after marriage she was subjected to cruelty for demand of dowry, it is next submitted that the complainant, in the year 2015, left the company of the petitioner and fled away for which an information petition was filed before the learned Chief Judicial Magistrate vide Case No. 1058 of 2016, it is next submitted that it has been specifically pleaded at Para-11 that Kargahar police handed over the complainant to the petitioner, after more than three years with a male child in her lap which confirmed that during the said period, she was leading an adulterous life.

Learned counsel for the petitioner submits that this perhaps explains the reason that as to why the complainant chooses not to contest the present case, it is next submitted that petitioner has also filed a Divorce Case No. 5 of 2019 before the learned Principal Judge, Family Court, Rohtas which is pending adjudicated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that what has been submitted by the learned counsel for the petitioner may be true or may not be correct.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 300 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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