

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17809 of 2020

Arising Out of PS. Case No.-214 Year-2018 Thana- COMPLAINT CASE District- Araria

ASHOK KUMAR SINGH S/o Dharam Nath Singh @ Dharmu Singh
Resident of Village-Pahunsi, P.S.-Kursakansta, District-Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Munni Devi Wife of Ashok Kumar Singh, Daughter of Kashi Ram Mandal
R/o Village-Pahunsi, P.S.-Kursakansta, District-Araria. At present residing at
Village-Titehiya, Ward No.3, P.S.-Rangeli, District-Morenga (Nepal).

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 21-06-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 214 C of 2018, registered for the
offences punishable under Sections 323, 498 (A) of the Indian
Penal Code and 3/4 D.P. Act.

The petitioner is the husband of the complainant
Munni Devi. She made allegation that her marriage was
solemnized with the petitioner four years prior to filing of the
complaint petition. The customary presents were given at the
occasion of marriage but the petitioner and his family members
inflicted cruelty upon her for non-fulfillment of their demand of



dowry. Lastly she was ousted from the matrimonial house.

For exploring amicable settlement of the disputes the notice was issued to the complainant but as she was residing in Nepal. The notice was returned with the endorsement that it should be in Nepali language. Later on, the notice was sent to be served upon the learned counsel for the petitioner appearing before the court below but office notes dated 20.06.2022 shows that neither advocate of the petitioner nor his advocate clerk turned up before the court below to receive the notice.

Learned counsel for the petitioner has submitted that he is ready to keep the complainant with full dignity and honor but she herself is not willing to reside with the petitioner. The reason of her unwillingness is that she has solemnized her second marriage and residing in Nepal with her second husband. He has also submitted that the petitioner has filed a case for restitution of conjugal rights under Section 9 of the Hindu Marriage Act as Mat. Case No. 80 of 2018. In that case also she did not appear despite notices have been issued.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Complaint Case No. 214 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C

(Nawneet Kumar Pandey, J)

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