

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40794 of 2021

Arising Out of PS. Case No.-258 Year-2020 Thana- SHASTRINAGAR District- Patna

AMARJEET KUMAR, Son of Shri Mahadev Paswan, Resident of Village-
Chaura, P.S.- Jamui, District- Jamui, at present Address- B. 112 3rd Floor
DAD residential Complex, Panchwati, Delhi Cantt- 110010.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Surendra Kumar Mishra, Advocate
For the State	:	Mr. Sanjay Kumar, APP
For the Informant	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioner and

learned counsel for the State assisted by learned counsel for the

informant through video conferencing.

The petitioner seeks anticipatory bail in connection
with Shastri Nagar P.S. Case No. 258 of 2020 registered for the
offences under Sections 498-A/34 of the Indian Penal Code and
under Sections 3/4 of the Dowry Prohibition Act.

It has been submitted by learned counsel for the
petitioner that the petitioner is a Government servant and he was
married in the year 2009 and due to matrimonial dispute, the
present false case has been registered by the wife, who is now
working as Lecturer in Gaya. He submits that the entire F.I.R. is
false and fabricated and before lodging of the F.I.R. there is no



chit of paper to prove that any complaint was made by the informant for her torture or any demand of dowry either at Delhi or at any place including Patna. He further submits by annexing the various documents and medical report that it is the petitioner who has been assaulted by his in-laws, for which he has to be treated in I.G.I.M.S., Patna.

Learned counsel for the informant has appeared and submits that the petitioner has been torturing the informant for dowry and some amount was paid to the petitioner earlier, inasmuch as, the petitioner has also assaulted the informant regularly.

Learned counsel for the petitioner, on the submission of learned counsel for the informant about the alleged amount having been given to the petitioner earlier, has submitted that if some amount has been given it is not dowry and these facts have to be tested/verified during the investigation.

Learned counsel for the petitioner relies upon the judgment of the Apex Court rendered in the case of *Arnesh Kumar vs. State of Bihar* reported in *2014(8) SCC 273*.

Considered the submission of the parties. There are allegations and counter allegation between the parties, which



cannot be tested in this anticipatory bail proceeding. It is an admitted position that the marriage is quite old and a child born out of the wedlock. It is also an admitted position that both the parties are in Government job; the petitioner is working in Delhi and the opposite party no.2 is working in Gaya (Bihar), so no useful purpose will be served by sending the petitioner to the jail.

Considering the aforesaid facts, this bail application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within 10 weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., IV, Patna, in connection with Shastri Nagar P.S. Case No. 258 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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