

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Santosh Kumar Singh, aged about 38 years, Male, Son of Srinivas Singh, Resident of Village- Dharwar, P.S.- Jamalpur, District- Mirzapur (Uttar Pradesh), presently posted as Associate Professor, Department of Chemistry, H.P.S. College, Nirmali, P.S.- Nirmarli, District- Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kumari, Wife of Santosh Kumar Singh, Daughter of Narad Singh, Resident of Village- Dharwar, P.S.- Jamalpur, District- Mirzapur (Uttar Pradesh), presently residing at Village- Mokri, P.S.- Bhabhua, District- Kaimur, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No.1, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP
For the Informant/Complainant : Mr. Baxi S. R. P. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 07-01-2022 Heard the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Bhabhua Mahila P.S. Case No. 63 of 2020 05.09.2020 dated instituted for the offences punishable under Sections 341,323,498(A)307 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that after the petitioner has filed a divorce petition against his wife, an FIR has been registered under Section 498(A), 307 making false allegations, the matter was sent for mediation which

remained unsuccessful. Learned counsel submits that the present FIR is a bundle of false facts and is just to pressurize the petitioner to withdraw his divorce petition.

Learned counsel on the other hand appearing for the complainant submits that the complainant is ready to live with the husband, who is not ready to keep her even during mediation, attempt was made to make both the parties reconcile to marriage but the same is failed. Learned counsel submits that the petitioner therefore does not deserve to be granted the benefit of anticipatory bail as he has been demanding dowry.

I have considered the submissions. It is a case where the FIR has been registered by the wife as against her husband after the notice was served upon her in relation to a divorce proceeding initiated by the petitioner's husband. Thus, it is nothing but prima facie a case of counter blast petition to pressuring the husband to keep his wife, who is already filed a application for seeking divorce. In the opinion of this Court, criminal proceeding cannot be made as a method or mode to pressurize anyone to withdraw his divorce petition.

In the circumstances, I deem it proper to allow this anticipatory bail to the petitioner, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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