

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.622 of 2022

Arising Out of PS. Case No.-94 Year-2019 Thana- MAHILA P.S. District- Patna

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Kumar Pratap@ Banti, Son Of Bishwanath Prasad @ Bishwanath Prasad Gupta, Resident Of Village - Bihari Colony, Behind Devi Asthan, Gurhatta, P.S.- Khajekalan, Patna City, Dist.- Patna.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Aarti Kumari, W/o Kumar Pratap @ Banti, resident of mohalla - Bihari Colony, Behind Devi Asthan, Gurhatta, P.S.- Khajekalan, Patna City, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rananjay Kumar
For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 498(A), 504, 506, 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

The learned counsel for the petitioner submits that in terms of the order dated 04.08.2022, notices were issued upon the opposite party no.2 and the same was received by her as would manifest from the office report dated 16.11.2022. The learned counsel next submits that it appears that the opposite party no.2, despite receiving notice has chosen not to contest the



case. The learned counsel next submits that the informant though has instituted the present F.I.R. alleging that she was being tortured by the accused persons including the petitioner, but then, from perusal of the F.I.R., it would manifest that she is staying in the house of the petitioner itself on the ground floor. The learned counsel next submits that it is the petitioner and his family members, who are being tormented by the informant as on one hand, she alleges that she is being tortured, but then also she is staying in the same house which amply demonstrates that the allegations are false and frivolous or else the informant would not have stayed in the same house. It is next submitted that even after receiving notice, the informant chooses not to appear, as such, it can be safely culled out that she is not interested in pursuing the case.

Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending in connection with Mahila P. S. Case No.94 of 2019,
subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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