

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7367 of 2023

Arising Out of PS. Case No.-75 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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HEMANT KUMAR Son of Ram Ashish Sharma Resident of village -
Gauribigaha, Post Officer - Korap, P.S.- Aanti, District - Gaya, Bihar. At
present Address - Indrawan Enclave Mubarakpur Road, Near Chhath Puja
Talab, P.S.- Prem Nagar, New Delhi Phone No.- 8826317698.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nidhi Priya Wife of Hemant Kumar Daughter of Virendra Tiwary, Resident
of village - Sonbarsa, Post Office - Baliya, P.S.- Amba, District -
Aurangabad, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 75 of 2021, registered for
the offence punishable under Sections 498A, 420, 406, 504, 506
of the Indian Penal Code and Section 3/ 4 of the Dowry
Prohibition Act.

The case of the complainant, in brief, is that her marriage
was solemnized with the petitioner on 14.5.2019 and during the
course thereof, several gifts, Rs. 7,00,000/- in cash, gold
jewellery etc. were given by her father to the petitioner and his



family members. It is also alleged that after the complainant had gone to her matrimonial home, her in-laws including the petitioner herein had started demanding a sum of Rs. 10,00,000/- and a car by way of dowry. It is also alleged that on account of non-fulfillment of the demand for dowry, the complainant was tortured and harassed by the accused persons, however, it subsequently transpired that though the husband of the complainant is not physically capable of consummating marriage, nonetheless, his family members, by deceiving the complainant and her family members, had solemnized the marriage of the petitioner with the complainant with a view to fraudulently cheat the complainant and his family members of their hard earned money.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the fact is that the complainant had never accepted the petitioner as her husband since the date of marriage inasmuch as the marriage had been solemnized against her will.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



At this juncture, this Court had put a query to the learned counsel for the petitioner as to whether the petitioner is ready to join mediation proceedings for the purposes of amicably resolving the matrimonial dispute in question, however, the answer is in negative. In fact, this Court had also made a query from the learned counsel for the petitioner as to whether the petitioner is ready and willing to keep his wife with due honour and dignity, to which also the answer is in the negative.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that prima facie, the allegations levelled against the petitioner definitely show that the petitioner has engaged in commission of cognizable offence, hence, I do not find the present case to be a fit case for grant of anticipatory bail to the petitioner, especially in view of his adamant attitude, as aforesaid, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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