

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19624 of 2021

Arising Out of PS. Case No.-491 Year-2020 Thana- SHASTRINAGAR District- Patna

Manish Chandra Kumar, aged about 34 years, Gender-Male, Son of Dinesh Chandra Kumar, R/O Mohalla- Mahavir Colony, Beur More, Road No. 9, Rajendra Path, P.O.- Anishabad, Ward No 13, P.S- Beur, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shakshi Priyadarshani, aged about 32 years, Gender-Female, W/O Manish Chandra Kumar, D/O Ram Chandra Jha, R/O Mohalla- Patel Nagar, Sriram Path, C-96, Ward No 23, P.S- Shashtri Nagar, Dist- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the O.P. No. 2	:	M/S. Arvind Kumar Mouar, Harish Kumar and Raj Krishna Jha, Advocates
For the State	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 29-11-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Shastri Nagar P.S. Case No. 491 of 2020 dated 27.10.2020 registered for the offence punishable under Sections 498A, 34 of the I.P.C. and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other accused persons are alleged to have tortured the informant physically and mentally due to non-fulfilment of demand of Rs.



10,00,000/- as dowry.

4. Vide order dated 31.10.2023, on the prayer made by learned counsels for the parties, both the parties were directed to remain physically present before this Court on 29.11.2023 for reconciliation between the parties.

5. In compliance of the aforesaid order dated 31.10.2023, the petitioner and the opposite party no. 2 are present before this Court. The petitioner denied to keep the opposite party no. 2 as his wife with him although the opposite party no. 2 is ready to live with the petitioner. Earlier vide order dated 09.02.2022, the matter was referred to the Mediation Committee, Patna High Court, Patna, for reconciliation between the parties but from perusal of the Mediator's report dated 06.04.2022, it is evident that the mediation has failed as the petitioner is not ready to keep the opposite party no. 2 and so far the one time settlement in between the parties is concerned, the opposite party no. 2 is not ready for the same since she has one male child.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. It is further submitted that the informant



is a highly ambitious and quarrelsome lady and she wants to live separate from the parents of the petitioner. The petitioner is only one son to take care of his parents and so he denied. It has further been submitted that the petitioner is ready to keep the opposite party no. 2 as his wife with full dignity and honour as stated in paragraph no. 7 of his anticipatory bail application but now the petitioner is not ready to keep the opposite party no. 2 with him. The petitioner had filed Divorce Case No. 64/2019 on 11.01.2019 before the learned Principal Judge, Family Court, Patna, and when the informant came to know about the said divorce case, she returned to her in-laws house and started living with her husband and she regretted her mistake with her husband. Thereafter, the petitioner withdrew the said case. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner has himself admitted in paragraph no. 7 of his anticipatory bail application that he is ready to keep his wife with full honour and dignity but now he is not ready to keep the opposite party no. 2 as his wife. From perusal of the Mediator's



report dated 06.04.2022, it also appears that the mediation has failed as the petitioner is not ready to keep the opposite party no. 2. Although the opposite party no. 2 is ready to live with the petitioner.

8. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out. The petition is disposed of and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below shall consider the prayer for regular bail of the petitioner on the same day without being prejudiced of the order of this Court in connection with Shastri Nagar P.S. Case No. 491 of 2020, pending in the court of learned Sub Judge-IV-cum-A.C.J.M., Patna.

9. Accordingly, the anticipatory bail application of the petitioner stands disposed of.

(Chandra Prakash Singh, J)

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