

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28271 of 2022**

Arising Out of PS. Case No.-214 Year-2021 Thana- HASPURA District- Aurangabad

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Sunil Kumar S/O Nawal Kishor Resident Of Haspura, P.S.- Haspura, District-
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Varsha Prakash Wife Of Sunil Kumar Resident Of Village- Purani Thana
Road, Haspura Ps, Distt- Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 28-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Haspura P.S. Case No. 214 of 2021 instituted under
Sections 341, 323, 379, 354 (A), 354 (C), 498 (A) and 34 of the
Indian Penal Code.

3. As per the prosecution case, the informant was
being tortured mentally and physically by her husband and was
thrown out of the matrimonial home by her in-laws. Moreover,
when she tried to establish a cordial relationship with her
husband, her husband and her father-in-law started abusing and



assaulting her and also snatched her gold chain worth Rs. 45000/- and also her mother-in-law tore her clothes which made her half naked.

4. Learned counsel for the petitioner submits that petitioner is the husband of the informant and he has not committed any offence against the informant. Petitioner is always ready to keep her and lead a happy conjugal life and in this regard he has filed the Matrimonial Suit No. 13 of 2019 in which learned Court below vide the judgment dated 31.07.2019 allowed the prayer of restitution of conjugal right of the petitioner. The informant-wife does not want to lead conjugal life with the petitioner and had also filed Complaint Case No. 804 (C) of 2019 under Section 498 (A), 120(B) I.P.C. and 3 / 4 Dowry Prohibition Act against the petitioner and others. Petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad / concerned Court in connection with Haspura P.S. Case No. 214 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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