

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50541 of 2023**

Arising Out of PS. Case No.-373 Year-2022 Thana- COMPLAINT CASE District- Jamui

Kartik Kumar S/O Late Umesh Prasad Barnwal R/O Village- Purani Bazar,
P.S- Jhajha, Distt.- Jamui.

... .. Petitioner

Versus

1. The State of Bihar
2. Mugdha Kumari W/O Kartik Kumar, D/O Late Ashok Kumar Barnwal C/O Ashish Kumar Barnwal, At Present R/O Mohalla- Gandhi Chowk, P.S- Jhajha, Distt.- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mukul Jee, Advocate
For the State	:	Mr. Tapeswar Sharma, APP
For the Complainant	:	Mr. Ajeet Kumar Bhardwaj, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-08-2023 Heard learned counsel for the petitioner and learned
counsel for the complainant as also learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 373 C of 2022 in which cognizance has been taken under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the complaint, the petitioner was married with the opposite party no. 2 on 23.02.2018. The opposite party no. 2 alleged that she was being tortured to bring a dowry of Rs.10,00,000/- and due to non-fulfillment of the said demand, she was being physically and mentally tortured. She has alleged physical assault as well.



4. It is specifically alleged that after consuming wine, the petitioner assaulted the complainant with iron rod and burnt her leg, she was blocked in a room and while she was carrying a pregnancy she was pushed down on the stairs as a result of which she aborted.

5. In course of hearing, learned counsel for the petitioner submits that he is ready to keep his wife, however, attention of this Court has been drawn by learned counsel for the complainant-opposite party no. 2 towards the observations of the learned A.D.J. IV, Jamui in the impugned order wherein it has been stated that “During reconciliation, the petitioner filed an undertaking on 02.05.2023 to the effect that he will keep his wife with all respect. But on the next date fixed, the petitioner never turned up in the court and her wife/complainant appeared and stated that her husband left her on the road on 02.05.2023 itself. Even today the petitioner never appeared in the court and his wife/complainant is present in the court. From the conduct of petitioner, it appears that he has filed a false undertaking in this court only with a view to obtain the bail order.”

6. Having regard to the specific allegation against the petitioner in the complaint petition and his conduct noticed by the learned A.D.J. IV, Jamui in the impugned order, this Court is



of the considered opinion that the petitioner does not deserve
privilege of anticipatory bail.

7. Prayer for bail is refused.

8. In case the petitioner surrenders and prays for
regular bail, his prayer for regular bail shall be considered
without being prejudiced by the order of this Court.

9. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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