

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52223 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- MAHILA P.S. District- Patna

Amir Kumar Singh @ Amir Kumar @ Pappu Singh Son of Late Nagendra Singh Resident of Village-Bishunpura, Ward No. 1 Bagaicha, Ps- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra, Advocate.
For the Opposite Party/s	:	Mr. Shyam Bihari Singh, APP.
For the Informant	:	Mr. Anuraj Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioner, Mr. Anuraj Singh, learned counsel for the informant and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Patna Mahila P.S. Case No.60 of 2022, registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the petitioner was solemnized with the informant on 10.05.2014, however, soon after the marriage informant was subjected to demand of dowry and on account of non-fulfillment of the same she was tortured in various ways and ousted from her matrimonial house.



4. Learned counsel appearing on behalf of the petitioner has denied all the allegation and submits that the petitioner always tried to keep the informant as his wife happily and with full dignity but on account of her behaviour, the difference between the parties went to such an extent that it became next to impossible to lead their conjugal life together. In such circumstances the petitioner filed a Matrimonial Case No. 1311 of 2019 in the Court of learned Principal Judge, Family Court, Patna for Decree of Divorce and knowing this fact the informant has filed the present case only with a view to wreck her vengeance and put pressure upon him.

5. On the other hand learned counsel for the informant vehemently opposes the bail application and submits that though the informant has still ready to live with the petitioner but on account of his illicit relationship, he is not allowing her to reside in her matrimonial house. He further submits that there is a maintenance case pending between the parties in which the petitioner is avoiding his appearance purposely due to which she is not even getting sustenance for her living.

6. Learned APP for the State has also opposes the bail application.

7. Regard being had to the submissions made on



behalf of the parties and considering the fact that prior to the institution of FIR the petitioner has already filed a matrimonial case for Decree of Divorce, coupled with the fact that the marriage was solemnized in the year 2014, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Patna Mahila P.S. Case No.60 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

8. It is further directed that both the parties will enter their appearances in their respective cases of divorce as well as maintenance case instituted by them against each other in order to resolve the matrimonial dispute at the earliest.

(Harish Kumar, J)

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