

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54925 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Ankit Kumar S/O Raghwendra Mishra R/O Village- Nawal Kishore Nagar,
Khabra, Ps. Sadar, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Uday Prakash Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Ms. Vaishnavi Singh, learned counsel

appearing on behalf of the petitioner and Mr. Uday Prakash

Sharma, learned counsel representing the informant. Learned

Additional Public Prosecutor for the State is also present.

2. The petitioner, happens to be the husband of the

informant, apprehends his arrest in connection with Sadar P.S.

Case No. 546 of 2022, registered for the offences punishable

under Sections 341, 323, 420, 498(A), 379, 506/34 of the Indian

Penal Code.

3. Allegedly the marriage of the petitioner was

solemnised with the petitioner on 03.05.2021, however, soon

after the marriage, she was subjected to demand of dowry and

on account of non-fulfillment of the same, she was tortured in

various ways and ultimately she was ousted from the

matrimonial house.

4. Learned counsel appearing on behalf of the



petitioner submits that though it was an ideal marriage, however, on account of mental illness of the informant the marriage could never be consummated and despite the best effort taken by the petitioner to get her treatment done from a reputed Psychiatric no progress could be made which resulted into filing of the matrimonial case bearing Matrimonial (Divorce) Case No. 365 of 2022 before the Court of the learned Principal Judge, Family Court, Muzaffarpur, the copy of which has been brought on record by way of Annexure-3. The petitioner has also brought on record the medical prescriptions showing her continuous treatment before the reputed Central Institute of Psychiatry, Ranchi. She next submitted that the petitioner is well educated, but because of such ill treatment meted out by the wife his entire life put in jeopardised, however, still he is ready to pay a monthly instalment of Rs. 5,000/- as maintenance to his wife till any order is passed by the Family Court.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that she was driven out from her matrimonial home and now she is living with her parents and as such the petitioner does not deserve any sympathy of this Court.



6. Learned counsel for the State also opposed the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that Matrimonial (Divorce) Case No. 365 of 2022 has already been filed prior to institution of the present FIR and there is no chance of any amicable settlement as also the undertaking given by the petitioner that he will pay a monthly instalment of Rs. 5,000/- to his wife till further order is passed by the Family Court, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 546 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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